

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3806 of 2022**

Arising Out of PS. Case No.-102 Year-2022 Thana- MAKER District- Saran

BRIJ KISHORE SHARMA @ BRIJ KUMAR SHARMA Son of Late
Bhikhari Sharma R/v- Bikram Kaituka, P.S.- Maker, District- Chapra, Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. SUPAN MANJHI Son of Govardhan Manjhi R/v- Rampur Darp, P.S.-
Maker, District- chapra, Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
04.01.2023 but nobody appeared on behalf of the respondent
no.2.

This is an appeal under Section 14(a)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 07.09.2022 passed by learned Additional
Sessions Judge-3, Saran in connection with Maker P.S. Case No.



102/2022 registered under Sections 341, 323, 504, 325 and 34 of the Indian Penal Code and Section 3(i) (s), 2 (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is general and omnibus allegation levelled against the appellant to abuse the informant by taking the caste name. Similarly situated other co-accused person has already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.12.2022 passed in Cr. Appeal (SJ) No. 3765/2022. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along opposed the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-3, Saran in connection with Maker P.S. Case No. 102/2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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