

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4286 of 2023

Arising Out of PS. Case No.-205 Year-2023 Thana- DULHIN BAZAR District- Patna

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Arunesh Sharma @ Aruresh Sharma @ Ganesh Sharma @ Ganesh Singh Son
Of Late Kalo Singh Resident Of Village- Bharatpura, P.S.-DULHIN Bazar,
Dist- Patna

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 18.10.2023, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

3. 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 05.08.2023 passed by learned Exclusive
Special Court, SC/ST Act, Patna, in connection with Dulhin
Bazar P.S. Case No. 205 of 2023 registered under Sections 341,
323, 354, 504/34 of the Indian Penal Code and Section 3(i)(r)(s)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellant along with other co-accused came at the informant's house and started abusing him by taking her caste name and also assaulted her. When informant's daughter came to save informant they also tried to take her away and threatened to outrage the modesty.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. He submits that there is no specific allegation against the appellant rather general and omnibus allegation. He further submits that the no occurrence as alleged by the prosecution has been taken in public place. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering 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 Exclusive Special Court, SC/ST Act, Patna, in connection with Dulhin Bazar P.S. Case No. 205 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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