

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4285 of 2023**

Arising Out of PS. Case No.-204 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Ajit Kumar @ Musha S/O Santosh Rai R/O Village- Umarpur, P.S- Buxar
(IND), Distt.- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Bilash Ram S/O Shiv Bihari Ram R/O Village-Nakati, P.O- Umarpur,
P.S- Buxar(Ind), Distt.- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajiv Ranjan Kr. Pandey
For the Respondent/s : Mr.Binay Krishna

**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. The informant is a local *Choukidar*, hence there is no requirement to issue notice or to inform him about the present case as he is represented by the learned Spl. P.P. for the State.

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 29.08.2023 passed by learned Additional Sessions Judge-cum-Special Judge-1st-cum-Special Judge



SC/ST (POA) Act and Children Court, Buxar, in connection with Buxar (Ind) P.S. Case No. 204 of 2023 registered under Sections 341, 323, 379, 504, 506/34 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, appellant is said to have abused the informant by taking his caste name and also assaulted him.

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 general and omnibus allegation against the appellant there is no specific overt act against the appellant. Appellant has got three criminal antecedents as mentioned in para-3 of the supplementary affidavit of this appeal.

6. Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

7. Considering the facts and circumstances of case and there is specific overt act against the appellant of abusing



the informant by taking his caste name, I am not inclined to
enlarge the appellant on anticipatory bail. The prayer for
anticipatory bail of the appellant is hereby rejected.

(Anjani Kumar Sharan, J)

anand/-

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