

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4604 of 2023

Arising Out of PS. Case No.-241 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

BIRENDRA SINGH son of Ramadhar Singh R/o- Azad Nagar Ps- Chapra
Muffasil Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Alka Rani D/o- Ramdeo Ram R/o- Jai Gurudeo Nagar Ps- Muffasil Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Mishra, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 04.09.2023 passed by SC/ST Special Judge, Chapra, Saran in connection with Chapra Muffasil P.S. Case No. 241 of 2023 registered under Section 3(i) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, all the accused persons including the



appellant came at the house of the informant and abused her by taking the caste name.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has committed no offence. He has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation of abusing levelled against the appellant is not specific rather general and omnibus in nature. Prior to the present case, the informant had lodged Chapra Muffasil P.S. Case No. 745 of 2022 against Rana Pratap and others and thereafter, Niharika Kumari, wife of Rana Pratap Singh lodged Chapra Muffasil P.S. Case No. 751 of 2022 against the informant's side. During the course of investigation, it came to light that there is admitted land dispute between the parties. The informant has encroached the land of one Rana Pratap Singh by erecting *Chhaja* of her house and for the same, Panchayati was also held and the informant was directed to remove her encroachment and thereafter, instead of removing Chhaja, she filed the present case against the petitioners. Appellant has one criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State opposed the prayer for bail and submitted that from bare perusal of the FIR, it is



evident that there is specific allegation against the appellant to abuse the informant by taking her caste name. Hence, he does not deserve privilege of anticipatory bail.

6. In the facts and circumstances of the case, as there is specific allegation against the appellant to abuse the informant by taking her caste name, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

7. Accordingly, this appeal is dismissed.

8. However, if the appellant surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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