

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4612 of 2023

Arising Out of PS. Case No.-152 Year-2021 Thana- MARAUNA District- Supaul

OM PRAKASH KUMAR @ OM PRAKASH YADAV S/O FULENDRA
PRASAD YADAV R/O VILL.-PUNERWAS WARD NO.01, P.S.-SUPAUL,
DIST.-SUPAUL.

... .. Appellant/s

Versus

1. The State of Bihar
2. SANTOSH KUMAR NIRALA UPENDRA PASWAN R/O VILLAGE-
BHAWANI NAGAR, P.S. BAUNSI, DIST.- ARARIA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar Jha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The informant of the case being the then Officer-in-
Charge, Marouna P.S. is represented by the State, as such, no
notice is required to be issued upon him.

3. This is an appeal under section 14(A) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)
Amendment Act, 2015 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for anticipatory bail
vide order dated 11.08.2023, passed by learned Additional
District and Sessions Judge-1st-cum- Special Judge, Supaul, in
connection with Marouna P.S. Case No.152 of 2021, registered



u/s 143, 188, 269, 270, 353, 504 and 506 of the IPC, 51(b) of Disaster Management Act, 2005 as well as sections 3(i)(r)(s) of the SC/ST Act.

4. As per the prosecution case, without the permission of the Authority, a *Mela* demonstration program was going on which created annoyance among the people. When the informant ordered to stop the program, the members of *Mela* Committee complained the same to the appellant, who made call to the informant and abused and threatened him.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation due to political rivalry. It is stated that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against him to abuse the informant by taking caste name. Appellant was not a member of the *Mela* Committee. Appellant has no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for anticipatory bail.

7. Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st-cum- Special Judge, Supaul, in connection with Marouna P.S. Case No.152 of 2021, 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)

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