

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4287 of 2022

Arising Out of PS. Case No.-474 Year-2022 Thana- BIDUPUR District- Vaishali

PANKAJ KUMAR RAY S/o Ranjeet Ray R/v- Bajitpur Saidat, P.S.- Bidupur,
District- Vaishali

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Raj, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 12.10.2022 in A.B.P. No. 3112 of 2022 passed by the learned Special Judge, S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 474 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 353, 427, 379, 414, 188, 337, 338, 504 and 506 of the Indian Penal Code, read with Section 56 of the Bihar Mining Act, 2021 and Sections 3(1)(r)(s) and 2(va) of the SC/ST Act.



Learned counsel for the appellant submits that the appellant has antecedent of one case and the informant is a police officer as such is being represented by learned Spl. PP for the State. It is next submitted that the allegations as alleged in the FIR is that the *Chowkidar* informed the police that sand is being loaded illegally on the tractor on which the police force came and on seeing the police force, the accused fled, it is next alleged that thereafter the tractor was seized and was being taken to the police station when the accused persons, including the appellant, obstructed the police officials in discharge of their official duty and abused the *Chowkidar* by taking his caste name.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that the allegations alleged against the appellant is general and omnibus in nature, it is further submitted that merely calling caste name is not an offence. Learned counsel further submits that the similarly situated co-accused has been granted the privilege of anticipatory bail by order dated 04.01.2023 in **Cr. Appeal (SJ) No. 4367 of 2022 (Kallu Kumar Vs. The State of Bihar)**.

Learned Spl. P.P. for the State opposes the prayer for



anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellant, the order dated 12.10.2022 in A.B.P. No. 3112 of 2022 passed by the learned Special Judge, S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 474 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bidupur P.S. Case No. 474 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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