

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4363 of 2022

Arising Out of PS. Case No.-385 Year-2022 Thana- PARSABAZAR District- Patna

RAJ KUMAR SAH @ RAJU SAH @ RAJ KUMAR SON OF SRI MOHAN
LAL R/O VILLAGE- SUTHA, P.S.- PARSA BAZAR, DISTRICT- PATNA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar Sinha
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
04.01.2023 but nobody appeared on behalf of the respondent
no.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
04.11.2022 passed by learned Exclusive Special Court (SC/ST)
Act, Patna in connection with Parsa Bazar P.S. Case No. 385/2022,
registered under Sections 341, 323, 307 and 34 of the Indian Penal



Code and Section (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is case and counter case between the parties. No any incriminating articles have been recovered from the conscious possession of the appellant. Appellant has purchased a land constructed his house to open a grocery shop thereafter the accused persons of Parsa Bazar P.S. Case No.383/2022 used to disturb the appellant with intention to kick out the appellant from the village. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case and the fact that there is case and counter case between the parties, 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 Parsa Bazar P.S. Case No. 385/2022, subject to the condition as laid down under Section



438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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