

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4390 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- SC/ST District- Saharsa

=====

KUMAR ABHISHEK @ ABHISHEK JHA S/O LATE SACHHIDANAND
JHA Resident of village- Patuaha, Ward No- 2, P.S.- Saharsa, District-
Saharsa.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Rajnish Kumar Singh, Adv.

For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-06-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Spl.PP. for the State has submitted that, in
compliance of order dated 19.04.2023, he informed the
informant to appear before the Court through his counsel in the
present case, but nobody appears on his behalf.

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
16.09.2022 passed by learned Additional Sessions Judge-3-cum-
Special Judge, SC/ST Court, Saharsa in connection with Saharsa
SC/ST P.S. Case No. 09 of 2022, registered under Sections 341,



323, 447, 427, 379, 504, 506/34 of the Indian Penal Code and Section 3(1) (r) (s) (e) of the Scheduled Castes and Scheduled Tribes Act, 1989.

Allegedly, all the accused persons including the appellant, came to the informant and started abusing and assaulting him. One of the co-accused, co-accused Nilendar Jha took Rs. 1000 from the pocket of the informant. They also destroyed the hut of the informant.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. As per the injury report, no external injury was found on the body of the informant, which is also mentioned in Annexure-2. It is further submitted that there is no allegation of slating the informant by taking his caste name. Hence, no offence under SC/ST Act is made out against the appellant. Appellant has three criminal antecedents as mentioned in para-3 of this memo of appeal.

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



In the facts and circumstances of the case, as there is no specific overt act against the appellant, 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 released 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 the learned Additional Sessions Judge-3-cum-Special Judge, SC/ST Court, Saharsa in connection with Saharsa SC/ST P.S Case No. 09 of 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)

divyanshi/-

U		T	
---	--	---	--

