

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4439 of 2022**

Arising Out of PS. Case No.-289 Year-2022 Thana- ISLAMPUR District- Nalanda

MANISH KUMAR @ MANISH VISHWAKARMA @ MANISH
VISHRAKARMA Son of Devendra Mistri @ Late Devendra Vishwakarma
Resident of Village- Vishunpur, P.S.- Islampur, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Poonam Devi Wife of Birendra Paswan Resident of Village- Vishunpur, P.S.-
Islampur, District- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Singh
For the State	:	Mr. Binay Krishna
For the Opposite party no. 2 :		Mr. Anil Kumar No. 1 Ms. Sonam Kumari

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

- 3 19-07-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

respondent no.2.

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 19.11.2022 passed by learned 3rd Additional
Sessions Judge-cum-Special Court, Nalanda at Biharsharif, in
connection with Islampur P.S. Case No. 289 of 2022 registered
under Sections 354(B), 354(D), 506 of the Indian Penal Code



and Section 3(i)(r)(s)/3(2)(VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, it is alleged that the appellant have some video clip of the informant. When the informant and her family member made protest with regard to video clip, then he abused them by taking their caste name.

4. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste, hence, no offence under Section SC/ST Act is made out against the appellant. He submits that during the course of investigation, number of witnesses have been examined in this case but they stated that they have not seen the video clip. He further submits that the present case has been lodged by the informant with wrong footing because no occurrence has been taken place as per the FIR. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State and learned counsel for the respondent no. 2 opposed payer for bail and submitted that the appellant abuses the respondent no. 2/informant by taking caste name. Learned counsel for the respondent no. 2 further submits that he has given CD to the police but the police



has not added the offence under I.T. Act.

6. Considering the facts and circumstances of the case and the fact that the occurrence took place inside the house, 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 3rd Additional Sessions Judge-cum-Special Court, Nalanda at Biharsharif, in connection with Islampur P.S. Case No. 289 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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