

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.121 of 2023

Arising Out of PS. Case No.-328 Year-2021 Thana- PIPRA District- East Champaran

SAJAN KUMAR @ SAJAN KUMAR KUSHWAHA S/O ANIL PRASAD
KUSHWAHA R/v- Bishunpura, P.S.- Pipra, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. BABLU THAKUR S/O BUDHAN THAKUR R/o village and P.S.- Pipra,
District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Bhushan Pandey
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 22.03.2023, the learned
Spl.PP for the State informed the informant about the present
case but nobody has entered appearance 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
12.10.2022 passed by learned Special Judge, SC/ST Act, East
Champaran, Motihari in connection with Pipra P.S. Case No.
328 of 2021, registered under Sections 354(D), 387, 447, 504,



506, 34 of the Indian Penal Code, section 67 of I.T. Act and Section 3(1) (r) (s) w (1),3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellant alongwith other co-accused persons went to the door of the informant and abused him by taking his caste name. It is also alleged that the appellant posted dirty posts about the informant's daughter and wife on social media from his mobile. The accused persons also threatened the informant and demanded their money back which they had spent in contesting Panchayat Election.

It is submitted by learned counsel for the appellant that 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. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific allegation against the appellant. He submits that though the appellant is named in the FIR, but from the perusal of the FIR it is clear that the allegation against the appellant is that he abused the informant by taking his caste name at his residential house which is not a public place. He further submits that the



specific allegation of demanding extortion money is against co-accused Kundan Kumar and co-accused Ashik Kumar Kushwaha. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail by submitting that some posts and comments of *facebook* is enclosed in the F.I.R., from which it is crystal clear that the appellant is also involved in the present case, therefore, it is not a fit case for grant of anticipatory bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This appeal is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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