

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.337 of 2022

Arising Out of PS. Case No.-227 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Vishal Kumar S/o Ashok Prasad R/o Village- Katalpur, P.s.- Baikunthpur,
District- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Kumar Ram Ramesh Ram Resident of Village and Post- Katalpur, P.S.-
Baikunthpur, District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kapil Deo Singh, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-08-2024 Despite valid service of notice, nobody appears on
behalf of respondent No. 2.

2. Heard learned counsel for the appellant and learned
Spl. Public Prosecutor for the State.

3. This criminal appeal has been filed against the order
dated 01.12.2021 passed by learned Additional Sessions Judge-I-
cum- Special Judge SC/ST Act, Gopalganj in connection with
Baikunthpur P.S. Case No. 227 of 2020, registered under Sections
3(i)(u)/3(i)(v)(u) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act and Section 67 of the Information
Technology Act, whereby prayer for anticipatory bail of appellant
has been rejected.

4. Allegedly, appellant posed vulgar and obscene



remarks on his WhatsApp about Dr. Bhim Rao Ambedkar.

5. Learned counsel for the appellant submits that the mobile phone in question does not belong to the appellant and he has not posted anything wrong on the alleged WhatsApp. There is no allegation of abuse by caste name, as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Gopalganj in connection with Baikunthpur P.S. Case No. 227 of 2020.

8. Accordingly, the impugned order dated 01.12.2021 is set aside with respect to this appellant and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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