

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.532 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Rishabh Narayan @Rishav Narayan Son Of Rishikesh Narayan Resident of
IOC Road, Pragati Nagar, P.S. -Parsa Bazar, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Sevak Ram Son Of Late Laxman Ram Resident Of Village- Khabara,
Ps- Sadar Muzaffarpur, Dist- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Mohit Agarwal, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
		Mr. Shyam Nandan Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2024 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 04.11.2023 passed by learned Special Judge under SC/ST Act, Muzaffarpur in ABP No. 2329 of 2023 arising out of Sadar (Muzaffarpur) P.S. Case No. 78 of 2023, registered under Sections 307, 323, 341, 420, 467, 468, 504, 506, 120(B)/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. It is alleged that when respondent No. 2, along with his son, went to the Electricity Office, Bhikhanpur to enquire



about his pending application, this appellant became angry and started abusing them by caste name. It is further alleged that this appellant assaulted the son of respondent No. 2 with iron rod due to which the thumb of his son got injured and thereafter, respondent No. 2 along with 4-5 staff of the electricity department assaulted them by means of fists and slaps. Further allegation is that this appellant demanded Rs. 75,000/- from respondent No. 2 to make correction in the electricity bill.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. Appellant is a Junior Engineer in Electric Supply Section, Ram Dayalu Nagar, Bikhampur, Muzaffarpur and he used to conduct raid to check theft of electricity within its jurisdictional area. He next submits that on 18.01.2022 when appellant was on visit for surprise inspection, he found that respondent No. 2 was indulged in the act of theft of electricity and accordingly, got instituted an F.I.R. bearing Sadar P. S. Case No. 31 of 2022 under Sections 135, 138 of the Electricity Act in which charge-sheet has already been submitted and in retaliation this false and concocted case has been lodged against appellant. F.I.R. does not disclose presence of any member of public when the alleged incident occurred, as such, no offence under SC/ST



Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 opposed the bail application.

6. 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 learned Special Judge SC/ST Act, Muzaffarpur in ABP No. 2329 of 2023 arising out of Sadar (Muzaffarpur) P.S. Case No. 78 of 2023.

7. Accordingly, the impugned order dated 04.11.2023 is set aside and this criminal appeal is allowed with respect to this appellant only.

(Prabhat Kumar Singh, J)

Navya/Shashank

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