

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.545 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- KATORIYA District- Banka

DEVENDRA KUMAR JHA S/o Late Tarkeshwar Jha Resident of Bhatta Road, Gumti No. 2, Bhikhanpur, Jagdishpur, Bhagalpur, P.O.- Bhagalpur, P.S.- Ishaqchak, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Teklal Paswan S/o Late Jharau Paswan R/o village- Devasi, P.S.- Katoria, District- Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sourav Suman, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2024 Heard learned counsel for the appellant and learned Spl.P.P. for the State. However, despite, valid service of notice, nobody appears on behalf of the respondent no.2.

2. This is an appeal under section 14A (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 for anticipatory bail vide order dated 21.12.2021, passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Banka, in connection with Katoria P.S. Case No.272 of 2021, registered u/s 447, 323, 504, 506 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

3. As per the prosecution case, the informant being a Cook



in the house of the appellant, asked for his wages, upon which, the appellant abused him by taking caste name. Thereafter, the informant left the job. It is alleged that the appellant came and asked the informant to come with him and on refusal, he again abused and assaulted the informant.

4. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner, as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that appellant has never met the informant, who alleges to be the help Cook in the appellant's house. Appellant has no criminal antecedent.

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

6. Considering the facts and circumstances of the case and the fact that there is specific allegation against the appellant to abuse the informant by taking his caste name, I am not inclined to enlarge the appellant on anticipatory bail.

7. The present memo of appeal is accordingly dismissed.

(Anjani Kumar Sharan, J)

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