

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.843 of 2024

Arising Out of PS. Case No.-147 Year-2020 Thana- MASAUDHI District- Patna

Mukul Kumar Sharma Son Of Late Ishwar Nath Singh Resident Of Gram
Taregna Gola, Ward No.01, P.S. - Masaurhi, District-Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dr. Harish Chandra Hari Son Of Late Vishnudev Ram Resident Of Kumhar
Kol Bujurg, P.S. - Desri, District - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shadab Akhter
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 27-09-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 23.08.2024, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

3. 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 16.10.2023 passed by learned Exclusive
Special Court SC/ST Act, Patna, in connection with Masaurhi
P.S. Case No. 147 of 2020 registered under Sections 341, 323,



353 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

4. As per the prosecution case, the informant alleges that the appellant and other accused persons agitated from the death of a patient in Ganesh Seva Sadan, humiliated and assaulted him and abused in the name of caste.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. He submits that the name of the appellant has surfaced in this case being social Activist, who was on a protest hold by local people and social activists against the on going corruption under the patronage of the informant in Sub-Divisional Hospital, Masaurhi. Later on, after, inquiry, the informant/respondent no. 2 was suspended by the Health Department, Bihar.. Similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 02.03.2023 passed in Cr. Appeal (SJ) No. 970 of 2022. Appellant has got one antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes prayer for



bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

7. Considering the facts and circumstances of the case and the fact that similarly situated co-accused has been granted anticipatory bail by this Court, 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 Exclusive Special Court SC/ST Act, Patna, in connection with Masaurhi P.S. Case No. 147 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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