

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.907 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- MEHSI District- East Champaran

Rupesh Kumar Son of Arun Kumar Bhagat @ Arun Kumar Bhakt Resident of
Village- Ghariyari Chak, P.S.- Mehsi, District.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. North Bihar Power Distribution company Limited Regd. Office 2nd Floor,
Vidyut Bhawan, Bailey Road, Patna through Assistant Engineer Supply
Division, Sub-Division, Chakiya, District- East Champaran
3. Wasim Son of Not Known Assistant Engineer Electricity Department,
Chakiya, Resident of Village- Ghariyari Chak, P.S.- Mehsi, District- East
Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhola Prasad, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

Mr. Shrekant Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 02-07-2024 Heard learned counsel for the appellant, the learned
Special Public Prosecutor for the State along with learned
counsel appearing on behalf of the respondent no.2 and 3. .

2. The appellant has challenged the order dated
15.01.2024 passed by the learned Special Judge SC/ST Act, East
Champaran, Motihari in connection with Mehsi P.S. Case
No.377 of 2023, instituted for the offences under Sections 341,



342, 353, 323, 504, 506 of the IPC and Section 3(1)(r)(s) SC/ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant at the outset submits that appellant is a person with clean antecedent and has been falsely implicated in the instant case by the informant.

4. It is next submitted that in sum and substance the allegation as alleged in the FIR, is that a raiding team raided the premises of the appellant for disconnecting the electricity connection, on account of accumulated unpaid dues, but the same was resisted by the appellant and his family members. Further it is alleged that the appellant assaulted Parash Rajak and did not allow him to enter his premises and took the motorcycle of one Md. Nausad Alam and thereafter the Assistant Engineer, Electricity, Maheshi gave information to the police. Accordingly, the police reached the place of occurrence and rescued the member of the raiding team, as such it is alleged that the appellant obstructed the respondents from discharging their official duty.

5. The learned counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation is exaggerated. It is next submitted that even



presuming what has been alleged is true without admitting then prima facie no offence under the SC / ST Act is made out, as it is not the case of the respondent that the appellant knowing that Parash Rajak belong to the SC community assaulted him nor it is the case of the informant that appellant and the raiding members were known to each other from before. It is also submitted that since the appellant was willing to pay the dues, but the raiding team members were not willing to listen to the appellant, as such an altercation took place and thereafter the instant FIR came to be instituted with an exaggerated allegation.

6. The learned appearing on behalf of the respondents opposes the appeal.

7. Regard being had to the aforesaid submissions, the order dated 15.01.2024 is set aside.

8. The appeal stands allowed.

9. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Mehshi P.S. Case



No.377 of 2023, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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