

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1235 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- SIRDALA District- Nawada

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RAMJEE PRASAD SON OF RUPNARAYAN PRASAD R/O VILLAGE-
BHALUA, P.S. - SIRDALLA, DISTRICT- NAWADA

... .. Appellant/s

Versus

1. The State of Bihar
2. ASHOK RAJBANSHI SON OF LATE BALCHAND RAJBANSHI R/O
VILLAGE- BHALUA, P.S.- SIRDALLA, DISTRICT- NAWADA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sheo Kumar Prasad, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 14-05-2024 1. Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel
appearing on behalf of the respondent no. 2.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 06.01.2023 in A.B.P. No. 3037 of 2022 passed by
the learned Exclusive Special Court SC/ST (POA) Act, Nawada
in connection with Sirdalla P.S. Case No. 212 of 2022 registered
under Sections 341, 323, 379, 504, 506 and 34 of the Indian
Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that



appellant has been falsely implicated in the instant case and is a person with clean antecedent. It is further submitted that on account of dispute relating to sewerage the instant case came to be instituted by the respondent no. 2 with an allegation that the accused persons including the appellant abused him by taking caste name and the appellant also snatched his golden chain.

4. Learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence for the reason that the FIR does not even remotely suggest that the occurrence was witnessed by any independent witness. It is further submitted that the allegation of snatching chain is ornamental in nature.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the respondent no. 2 opposed the prayer for anticipatory bail.

6. Considering the aforesaid submissions, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of



the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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