

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1978 of 2023

Arising Out of PS. Case No.-480 Year-2022 Thana- BIRAUL District- Darbhanga

MD. ARSI S/O MD. SHAMIM Resident of Village- Afjala Tola,. Jalia Road,
P.S.- Biraul, District- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SANJAY CHAUPAL S/O GANESH CHAUPAL Resident of Railway
Station Situated at Baliya Shipo Pokhar, P.S.- Biraul, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Shankar Prasad, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl. pp.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 23-02-2024 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act against the rejection of prayer for anticipatory bail vide order
dated 13.02.2023 passed by the learned 3rd Additional Sessions
Judge cum Exclusive Special Judge, SC/ST (POA) Act, Darbhanga
in connection with Biraul P.S. Case No. 480 of 2022 dated
16.12.2022 registered for the offence/s punishable u/ss 147, 341,
323, 307, 354B and 379 of the Indian Penal Code and 3(i)(r), 3
(i)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-



accused persons are alleged to have come to the door of the informant and abused him by calling his caste name and they also assaulted his family members with knife and iron rod. It is further alleged that the accused persons also outraged the modesty of the informant's wife and snatched her golden *Mangalsutra* and threatened to kill and set their house on fire and took away Rs. 20,000 from his house.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. It is further submitted that the public gathered after the alleged occurrence. The alleged occurrence took place at the house of the appellant so no member of public was present at the relevant point of time of the alleged incident. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant had one more criminal antecedent in which he was acquitted as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of



the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 13.02.2023 passed by the learned 3rd Additional Sessions Judge cum Exclusive Special Judge, SC/ST (POA) Act, Darbhanga in connection with Biraul P.S. Case No. 480 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge cum Exclusive Special Judge, SC/ST (POA) Act, Darbhanga in connection with Biraul P.S. Case No. 480 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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