

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2011 of 2023

Arising Out of PS. Case No.-216 Year-2022 Thana- PATAHI District- East Champaran

Abhishek Kumar Singh, aged about 27 years (M), S/O Akhilesh Singh @ Akhilesh Kumar Singh, Resident of Village- Bakhari Tola, P.S.- Patahi, District- East Champaran.

... .. Appellant

Versus

1. The State of Bihar.
2. Sanjeev Baitha, S/O Narayan Baitha, Resident of Village- Saraiya Gopal, P.S.- Patahi, District- East Champaran.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Umesh Chandra Verma and Mr. Abhishek Kumar, Advocates
For the Respondent No.2:		Mr. Amrendra Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 12-01-2024 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

2. 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 of the appellant vide order dated 29.03.2023, passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari in A.B.P. No. 1099 of 2023, arising out of Patahi P.S. Case No. 216 of 2022 registered for the offences punishable under Sections 341,



323, 353, 504, 506/34 of the Indian Penal Code, Sections 3(1)(r) (s) of the SC/St Act and Sections 25(1-b)a of the Arms Act.

3. The prosecution case, in brief, is that on 16.10.2022, when all the 'Swakshta Workers', took the garbage from the Panchayat and went to dispose of it on the land prescribed by the W.P.C. then the appellant and the other accused persons named in the F.I.R. and 10-15 unknown accused abused them by calling their caste name. The appellant pointed out the pistol and abused with their caste name. Then, accused persons other than the appellant abused and assaulted them and asked to take their garbage.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. There is general and omnibus allegation against the appellant. It is further submitted that as per the F.I.R., it appears that the appellant has only pointed out the weapon but not fired on any body. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellant. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal.

5. Learned Spl. P.P. for the State and learned counsel



for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 29.03.2023, passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in A.B.P. No. 1099 of 2023, arising out of Patahi P.S. Case No. 216 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 Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Patahi P.S. Case No. 216 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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