

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2664 of 2023

Arising Out of PS. Case No.-596 Year-2022 Thana- PIRO District- Bhojpur

RAJU PRASAD @ RAJU PRASAD GUPTA S/O RAMESHWAR PRASAD
R/O Village- Shivpujan Market Ara Road, Post Office Ke Samne, PS. Piro,
Dist. Bhojpur

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. MANOJ KUMAR BHAGAT S/O LATE SITA RAM BHAGAT R/O Village-
Bhagat Market Bihiyan Road , PS. Piro, Dist. Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raju Kumar Singh, Adv.
For the Informant	:	Mr. Ram Prakash Kumar, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. pp.

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

ORAL ORDER

7 15-03-2024 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 08.05.2023 passed by the learned
Exclusive Special Judge, SC/ST Act, Ara, Bhojpur in A.B.P. No.
899 of 2023 arising out of Piro P.S. Case No. 596 of 2022 dated
06.11.2022 registered for the offence/s punishable u/ss 341, 323,
504 read with section 34 of the Indian Penal Code and 3(i)(r)(s)



of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant being an agent of the post office used to collect money and after collecting the same, he deposited in the Bank. On 09.09.2017 the informant gave Rs. 1,50,000/- but the appellant did not deposit the same in the bank. When the informant demanded his money, the appellant and the co-accused persons started abusing by calling his caste name and assaulted with slap and fist causing injury and they also threatened to kill his family

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 injury is simple in nature. As per FIR, 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. It is further submitted the petitioner has one more criminal antecedent as stated in 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 08.05.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Ara, Bhojpur in A.B.P. No. 899 of 2023 arising out of Piro P.S. Case No. 596 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his/her 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 Exclusive Special Judge, SC/ST Act, Ara, Bhojpur in A.B.P. No. 899 of 2023 arising out of Piro P.S. Case No. 596 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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