

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2606 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- PAKARIBARAW District- Nawada

Arjun Chaurasia @ Arjun Prasad Son Of Late Ram Prasad Mahto Resident Of
Village - Dola, Police Station - Pakri Barawan In The District Of Nawada

... .. Appellant/s

Versus

1. The State Of Bihar
2. Arjun Paswan Son Of Late Haro Paswan Resident Of Village - Dola, Police
Station - Pakri Barawan In The District Of Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar
For the Respondent/s	:	Mr.Binay Krishna
		Mr.Uma Shankar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-08-2024 Heard learned counsel for the appellant, learned
Special P.P. for of the State and learned counsel appearing on
behalf of Respondent No. 2.

2. This appeal has been filed against the order dated
18.05.2024 passed by learned Exclusive Special Judge, SC/ST
(POA) Act, Nawada in connection with Pakaribarawa P.S. Case
No. 180 of 2024, registered under Sections 147, 149, 504, 307,
427, 354(B), 379, 506 of the Indian Penal Code and Section 3(1)
(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (for short “SC/ST Act”), whereby the prayer for
anticipatory bail of appellant has been rejected.



3. Learned counsel for the appellant submits that from bare perusal of F.I.R., it is apparent that appellant is only alleged to be order-giver and there is no allegation of overt act or abuse by caste name against him, but since appellant is Mukhiya of the Gram Panchayat, the informant has falsely implicated him. F.I.R. also does not disclose that any member of the public was present at the time of alleged occurrence, and as such, no offence under the SC/ST Act is made out. Appellant claims clean antecedent.

4. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the appeal.

5. However, considering the rival submissions advanced on behalf of the parties and the materials available on the record, the impugned order dated 18.05.2024 passed in Pakaribarawa P.S. Case No. 180 of 2024 is, hereby, set aside and this criminal appeal is allowed.

6. Let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST (POA) Act,



Nawada in connection with Pakaribarawa P.S. Case No. 180 of
2024.

(Prabhat Kumar Singh, J)

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