

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2863 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- SC/ST District- Vaishali

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DINESH KUMAR @ DINESH RAY Son of Shyamjee Ray Resident of
village - Madhaul, P.S. - Mahua, Distt. - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jawahar Lal Ram Son of Late Shivrath Ram R/o vill and Post - Khawaspur,
Block - Lakri Navinagar, P.s. - Basantpur, Distt. - Siwan at present posted as
Incharge Principal, Akshayvat College, Mahua, P.S. - Mahua, Distt. -
Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pranav Kumar Mr. Rajeev Ranjan No.II Mrs. Kumari Rupa
For the Respondent/s	:	Mr. Sadanand Paswan Ms. Ritika Rani

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 24-01-2024 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and 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, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 05.04.2023 passed by learned Special Judge,
SC/ST, Vaishali at Hajipur, in connection with SC/ST P.S. Case
No.02 of 2023, registered under Sections 147, 149, 150, 341,



323, 379, 385, 504, 506 of the Indian Penal Code and Section 3(1)(r), 3(1)(s), 7(2)(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that the informant who is an In-charge Principal of Akshayvat College, Mahua, Vaishali went to the college to perform his duty and opened the Principal's chamber, then one Ajay Kumar Sharma came along with 8-10 employees of the college and instigated them to snatch the keys. It is alleged that all the accused persons abused the informant by taking his caste name and also threatened him.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. There is no specific overt act against the appellant. The allegation against the appellant is not specific rather general and omnibus in nature. It is further submitted that there is a dispute regarding Principal In-charge of the aforesaid college. Appellant has one criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by



submitting that the appellant is the senior most employee of the said college and he is also involved in the alleged occurrence.

6. Considering the facts and circumstances of the case as there is no specific overt act against the appellant, let 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 released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Vaishali at Hajipur, in connection with SC/ST P.S. Case No.02 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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