

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3143 of 2024

Arising Out of PS. Case No.-15436 Year-2014 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Kailash Kumar Son of Satto Pandit R/O Vill.- Muradpur, Ward no. 01, P.s.-
Rosera, Dist.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Sikander Paswan Son of Triveni Paswan R/O Vill.- Vagwan, P.s.- Bakhri,
Dist.- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sarvottam Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-07-2024

Re.: I.A. No.1 of 2024

Learned counsel for the appellant filed hard copy
of the limitation petition in Court.

2. Let it be kept on record.

3. Appellant has filed the aforesaid interlocutory
application for condonation of delay of seven days in preferring
this appeal.

4. Heard learned counsel for the appellant and
learned Special PP for the State on the aforesaid I.A.

5. Finding the ground taken by the appellant in
the aforesaid I.A. for condonation of delay made in preferring
this appeal is sufficient and in the interest of justice, aforesaid



delay in preferring this appeal is hereby condoned

Cr. Appeal (SJ) No.3143 of 2024

6. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

7. 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 19.03.2024 passed by learned Exclusive Special Judge SC/ST (PoA) Act, Begusarai in connection with Complaint Case No. 15436 of 2014 registered under Sections 341, 323 & 379 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

8. The appellant along with other co-accused is said to have abused the informant in the caste name and also assaulted him by kicks and fists.

9. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. The



allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. Hence, no offence under SC/ST Act is made out against the appellant. No one has sustained injury in the occurrence. Appellant has no criminal antecedent.

10. Learned Special PP for the State vehemently opposing the prayer for bail submitted that in view of the law laid down by the Hon'ble Apex Court in the case of ***Bachu Das Vs. State of Bihar and others*** since reported ***in (2014) 3 Supreme Court Cases 471*** anticipatory bail application is not maintainable before this Court. He further submitted in a similar nature of case against the order dated 17.05.2022 passed by this Court in Cr. Appeal (SJ) No.3264 of 2021, the appellants moved before the Hon'ble Apex Court by filing Special Leave to Appeal (Crl.) No (s).7055 of 2022, which was dismissed as withdrawn on 10.08.2022. Hence, the appellant does not deserve anticipatory bail by this Court.

11. In the facts and circumstances of the case and in view of the law laid down by the Hon'ble Apex Court, I am not inclined to enlarge the appellant on bail. The prayer for anticipatory bail is hereby rejected.

12. However, if the appellant surrenders before the



learned Court below and prays for regular bail, the same shall be disposed of on the same day without being prejudiced by this order.

13. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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