

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3278 of 2023

Arising Out of PS. Case No.-248 Year-2023 Thana- RAFIGANJ District- Aurangabad

Mithilesh Kumar @ Mithilesh Kumar Son Of Ramdeni Mahto Resident Of
Village And P.O- Baligon, Ps- Rafiganj, District -AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Raja Ram Choudhary Son Of Late Ram Sawaroop Choudhary Resident Of
Village- And Po- Aurangabad, Ps- Aurangabad, Bihar Present Posted As
Panchayat Secretary At Baligaon Panchayat Ps- Rafiganj, Distt- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shailesh Kumar Singh
For the Respondent/s	:	Mr.Binay Krishna

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

ORAL ORDER

4 23-02-2024 Heard learned counsel for the appellant 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 against the refusal of prayer for anticipatory bail vide order dated 28.06.2023 passed by the Spl. Judge, (SC/ST) cum 1st Additional District & Sessions Judge, Aurangabad in connection with A.B.P. No. 1039/2023, arising out of Rafiganj P.S. Case No. 248 of 2023, registered for the alleged offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)/2(va) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, the appellant assaulted



the informant by abusing with caste name and torn Govt. documents and the appellant demanded Rs. 50,000/- as *rangdari* and threatened to kill him if the demand was not fulfilled.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has never demanded any rangdari from the informant. The appellant has no criminal antecedent mentioned in para 3 of the appeal.

5. Learned Spl. P.P. for the State as well as 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 as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 28.06.2023 passed by the Spl. Judge, (SC/ST) cum 1st Additional District & Sessions Judge, Aurangabad, in connection with A.B.P. No. 1039/2023, arising out of Rafiganj



P.S. Case No. 248 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ 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 Spl. Judge, (SC/ST) cum 1st Additional District & Sessions Judge, Aurangabad, in A.B.P. No. 1039/2023, arising out of Rafiganj P.S. Case No. 248 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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