

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3416 of 2023**

Arising Out of PS. Case No.-188 Year-2023 Thana- NAWANAGAR District- Buxar

Ripu Singh @ Shankar Singh Son Of Ritbharan Singh @ Titwas Singh
Resident Of Village - Rupsagar, P.S. - Nawanagar, District - Buxar

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Yamuna Dhobi Son Of Late Dewaki Dhobi Resident Of Village - Rupsagar,
P.S. - Nawanagar, District - Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar Gupta, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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

ORAL ORDER

3 29-03-2024 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 12.07.2023 passed by the learned Additional Sessions Judge 1st -cum-SC/ST (POA) and Children Court, Buxar in connection with A.B.P. No. 868/2023, arising out of Nawanagar P.S. Case No. 188 of 2023, registered for the alleged offences under Sections 341, 323, 308, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



3. As per the prosecution case, the appellant and other co-accused persons are alleged to have come at the informant house and started abusing the informant and his grandson by calling their caste name and also assaulted the grandson of the informant due to which his head got fractured and they also threatened for dire consequences.

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 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 12.07.2023 passed by the learned Additional Sessions Judge 1st -cum-SC/ST (POA) and Children Court, Buxar, in connection with A.B.P.



No. 868/2023, arising out of Nawanagar P.S. Case No. 188 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 learned Additional Sessions Judge 1st -cum-SC/ST (POA) and Children Court, Buxar in A.B.P. No. 868/2023, arising out of Nawanagar P.S. Case No. 188 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

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