

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3395 of 2024

Arising Out of PS. Case No.-164 Year-2024 Thana- NAVINAGAR District- Aurangabad

1. Adarsh Kumar Singh @ Chhotu Singh Son of Rampravesh Singh @ Rampravesh Sharma R/V- RAMPUR, P.S.- NAVINAGAR, DISTT.- AURANGABAD
2. Bicky Sharma Son of Rampravesh Singh @ Rampravesh Sharma R/V- RAMPUR, P.S.- NAVINAGAR, DISTT.- AURANGABAD
3. Ankit Kumar Singh son of Sunil Singh R/V- RAMPUR, P.S.- NAVINAGAR, DISTT.- AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar
2. DEEPAK KUMAR RAM SON OF RAMPRAVESH RAM R/V- HARIHAR URDANA, P.S.- AURANGABAD, DISTT.- AURANGABAD

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-10-2024 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Binay Krishna along with learned counsel appearing on behalf of the respondent no.2.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 26.06.2024 in A.B.P. No. 1287 of 2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Aurangabad in connection with Nabinagar P.S. Case



No.164/2024, registered under Sections 341, 323, 324, 379, 504, 506, 34 of the Indian Penal Code as well as Sections 3(i)(r) and 3(i)(s) of the SC/ST (POA) Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that informant alleges that while he got down for taking refreshment when it is alleged that the accused persons came and asked his caste name and thereafter abused him by taking his caste name.

4. Learned counsel for the appellants submits that it absolutely does not stand to reason that as to why the appellants would have asked his caste name and thereafter abusing him by taking his caste name. It is further submitted that even the F.I.R. does not even remotely suggest that abuse hurled by the appellants was heard by any independent witnesses, as such, it is submitted that prima facie no offence under the SC/ST Act is made out against the appellants.

5. Learned Special Public Prosecutor Mr. Binay Krishna and the learned counsel appearing on behalf of the respondent no.2 opposes the appeal but are not in a position to



rebut the submission of the learned counsel for the appellants that the F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witness or anyone heard the appellants hurling abuses by taking caste name.

6. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

