

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4304 of 2021**

Arising Out of PS. Case No.-44 Year-2021 Thana- SC/ST District- Darbhanga

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ARJUN SAHU @ RAJENDRA SAHU S/o Rajendra Sahu @ Arjun Sahu R/o
village- Bhawanipur, P.S.- Biraul, District- Darbhanga

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Baidya Nath Prasad
For the Respondent/s : Ms. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 20-06-2024 1. Heard learned counsel for the appellant and the learned
Special P.P. Ms. Usha Kumar No.1.

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 10.09.2021 in
A.B.P. No. 1255 of 2021 passed by the learned Additional Sessions
Judge-I-cum-Special Judge, SC/ST (POA) Act, Darbhanga in
connection with Darbhanga SC/ST P.S. Case No.44/2021, registered
under Sections 279, 337, 338, 354(B), 341, 323, 504, 506, 420 and
34 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s) and
3(2)(va) of the SC/ST (POA) Act.

3. Learned counsel for the appellant submits that the
appellant is a person with clean antecedent and has been falsely



implicated in the instant case by the informant with an allegation that on 31.05.2021 at 9.30 P.M. when the informant had gone out to attend the call of nature when she was dashed with scooty, which was driven by the appellant in drunken condition, thereafter the informant abused her by taking caste name when villagers gathered and the appellant realizing his mistake agreed to bear all the expenses of the treatment of the informant and even agreed to pay her daily wages till she regained her fitness. It is next alleged that on 01.06.2021 at 9.10 A.M. the accused persons along with the appellant and other unknown accused came and tried to take away the scooty, on which the daughter-in-law of the informant protested, when it is alleged that the appellant misbehaved with her and tore her clothes and abused her by taking caste name and forcefully took away the scooty with the help of police. The learned counsel submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegations are in two parts. It is next submitted that no F.I.R. came to be instituted with respect to an occurrence, which is alleged to have taken place on 31.05.2021, as such, the said part of the allegation casts an aspersion on the case of the prosecution. It is further submitted that on 01.06.2021, the alleged occurrence took place within the premises of the informant and thus would not in public view, as such, the ingredients of the SC/ST act is not attracted and rest of the sections under the I.P.C. are bailable.

4. Learned Special Public Prosecutor Ms. Usha Kumari



No.1 opposes the prayer for anticipatory bail of the appellant.

5. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, 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.

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

(Satyavrat Verma, J)

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