

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3597 of 2024

Arising Out of PS. Case No.-479 Year-2019 Thana- SAHPUR District- Patna

Raj Kumar Son of Arun Singh @ Lalan Singh R/V- Village- Paltu Chhatni,
Dhobiya Kalapur, P.S.- Naubatpur, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. SANTOSH KUMAR PRASAD SON OF RAM PUKAR RAM R/V-
VILLAGE- MASUDPUR, P.S.- SHAHPUR, DISTT.- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-09-2024 1. Heard learned counsel for the appellant and the
learned Special P.P. Mr. Sadanand Paswan.

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 04.07.2024 in A.B.P. No. 2176 of 2024 passed by
the learned Exclusive Special Judge-cum-Special Judge, SC/ST
Act, Patna in connection with Shahpur P.S. Case No.479/2019,
registered under Sections 406, 420/34 of the Indian Penal Code
as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that



appellant is a person with clean antecedent and the informant alleges that he is a Ward Councillor and he along with other Ward Councillors paid huge amount in the account of one Raj Kumar (appellant) for the purposes of executing the work of Nal Jal Yojna on the assurance of the Mukhiya and her husband that the appellant will execute the work, however Raj Kumar left the work mid-way and when the informant and others complained to the Mukhiya, the Mukhiya abused the informant and other by taking their caste name specifically.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the present case by the informant, it is also submitted that the work has been completed as specifically pleaded at para-11 to the appeal and the case has been compromised. It is also submitted that in the nature of allegation as alleged in the F.I.R., prima facie, no offence under the SC/ST Act is made out against the appellant.

5. Learned Special Public Prosecutor Mr. Sadanand Paswan opposes the prayer for anticipatory bail of the appellant.

6. 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 his 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)

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