

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3849 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- SAHPUR District- Patna

SONU KUMAR SON OF INDRAJEET CHAUHAN VILLAGE
HATYAKANDH, P.S SHAHPUR, DISTRICT PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. KAMLESH PASWAN SON OF LATE MAHABIR PASWAN RESIDENT
OF VILLAGE- HATYAKANDH, PS- SHAHPUR, DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Jha, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

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

ORAL ORDER

4 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 17.07.2023 passed by the learned Exclusive Special Court, S.C./S.T. Act, Patna in connection with A.B.P. No. 4648/2023, arising out of Shahpur P.S. Case No. 198 of 2023, registered for the alleged offences under Sections 341, 323, 504, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 2(va) of the SC/ST Act.

3. As per the prosecution case, the appellant and co-accused person are alleged to have demanded two packets of



wheat from the informant and when he refused, they abused him by calling his caste name and also assaulted him.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The compromise has taken place between the parties as mentioned in Annexure-2. 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 17.07.2023 passed by the learned Exclusive Special Court, S.C./S.T. Act, Patna in connection with A.B.P. No. 4648/2023, arising out of Shahpur P.S. Case No. 198 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 Exclusive Special Judge, SC/ST Act, Patna in A.B.P. No. 4648/2023, arising out of Shahpur P.S. Case No. 198 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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