

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3862 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- BIHTA District- Patna

MAHESH PRASAD SON OF BHOLA PRASAD RESIDENT OF
VILLAGE- AND PO- PAREO, PS- BIHTA, DISTT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. VISHWAKARMA KUMAR SON OF VINESH PASWAN RESIDENT OF
VILLAGE- AND PO- PAREO, PS- BIHTA, DISTT- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar
For the Respondent/s : Mrs. Usha Kumari 1

**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 court of Special Judge, SC/ST, Patna in connection with Serial No. 80 of 2023, corresponding to Bihta P.S. Case No. 233 of 2023, registered for the alleged offences under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2) of the S.C./S.T. Act.

3. As per the prosecution case, the appellant and other co-accused persons are alleged to have abused the informant by calling his caste name and assaulted the informant by means of lathi. It is also alleged that when the friend of the informant tried to save him,



he was also abused and assaulted by the appellant.

4. Learned counsel for the appellant submitted that the appellant is innocent and has falsely been 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 incident and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated in para 3 of the appeal. The injury sustained by the informant is simple in nature.

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 court of Special Judge, SC/ST, Patna in connection with Serial No. 80 of 2023, corresponding to Bihta P.S. Case No. 233 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 court of Special Judge, SC/ST, Patna in connection Serial No. 80 of



2023, corresponding to Bihta P.S. Case No. 233 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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