

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3950 of 2023

Arising Out of PS. Case No.-467 Year-2022 Thana- EKMA District- Saran

BARUN DUBEY @ BARUN KUMAR DUBEY SON OF RAM AYODHYA
DUBEY RESIDENT OF VILLAGE - BHARAHOPUR, DUBEY TOLA,
POLICE STATION - EKMA, DISTRICT - SARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RUKMINI DEVI WIFE OF PRABHU PRASAD RESIDENT OF
MOHALLA - BLOCK ROAD EKMA (HOUSE OWNER NAGENDRA
SINGH), POLICE STATION - EKMA, DISTRICT - SARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dhananjay Mishra, Adv. Mr. Arun Kumar, Adv. Mr. Nitesh Kumar Nirmala, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 08.11.2023, he informed the informant to appear in the present appeal through her counsel, but nobody appears on her behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 02.08.2023 passed by learned Exclusive



Special Judge, SC/ST Act, Saran at Chapra in connection with Ekma P.S. Case No. 467 of 2022 registered under Sections 324, 354 of the Indian Penal Code and Sections 3(i)(r), 3(iii)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, appellant is said to have assaulted the informant brutally, tried to outrage her modesty and also abused her.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellant is general and omnibus. There is admitted land dispute between the parties. There is no allegation of slating the informant in the specific name of her caste. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is



admitted land dispute between the parties and there is no allegation of slating the informant in the specific name of her caste, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with Ekma P.S. Case No. 467 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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