

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4218 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- SC/ST District- Buxar

1. Ritesh Kumar Srivastav @ Ritesh Srivastav Son Of Rabindra Kumar Srivastav Resident Of Mohalla- Lala Tola, Ps- Mohammadpur, Dist- Gopalganj, Bihar
2. Manish Kumar @ Manish Srivastav Son Of Rabindra Kumar Srivastav Resident Of Mohalla- Lalatola, Mohammadpur, Sidhwalia, Ps- Mohammadpur, Dist- Gopalganj, Bihar
3. Md. Mozammil Ansari Son Of Sher Mohammed Resident Of Mohalla- Babu Ram Ke Chhapara, Post- Balliya City, Ps- Dubhar, Dist- Ballia, Dist- Uttar Pradesh
4. Sunkara Venkata Naveen @ Naveensah Son Of Siva Rama Krishna Resident Of 10-13-75, 12th, Ward, Park Bazar, Repallate, Dist- Guntur, Andhra Pradesh
5. Abhishek Singh @ Abhishek Kumar Singh Son Of Sudhir Singh Resident Of Village And Post- Shankara, Ps- Gb Nagar, Dist- Siwan, Bihar
6. Sanjeet Kumar Chauhan @ Sanjeev Chauhan Son Of Kanhaiya Chauhan Resident Of Village- Trikalpur Sahatwar, Trikalpur, Dist- Ballia, Uttar Pradesh
7. Amrendra Kumar @ Amrendra Singh Son Of Late Ram Rup Singh Village/Gram- Patnwa Khurd, Indarpura, Ps- Indrapuri, Dist- Rohtas, Bihar
8. Dilip Kumar Pandey @ Dilip Pandey Son Of Shashidhar Pandey Village/Mohalla- Ward No. 8, Panpura, Paranpura, Po And Ps- Tatari, Dist- Bhojpur, Bihar

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. AJAY KANAUIYA SON OF LATE PHOOLCHAND KANAUIYA VILLAGE AND POST- BANSDIH GUDARI, BAZAR, PS- BANSDIH, DIST- BALLIA, UTTAR PRADESH, PIN CODE- 2777202

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Niraj Kumar, Adv. Mr. Kumar Dharendra Pratap Singh, Adv. Mr. Shubhankar Raj, Adv. Ms. Sneha Ranjan, Adv.
For the informant	:	Ms. Minakshi Kumri, Adv. Mr. Munish Kumar, Adv. Mr. Munna Raj, Adv.
For the State	:	Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-04-2024

Heard learned counsel for the appellants, learned



counsel for the informant 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 rejection of prayer for anticipatory bail vide order dated 19.08.2023 passed by the learned Additional Session Judge-I-cum- Special Judge, SC/ST (PoA) Act, Buxar in connection with SC/ST Buxar P.S. Case No. 22 of 2023 dated 01.08.2023 registered for the alleged offences under Sections 147, 149, 341, 323, 406, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the Complainant is alleged to have worked in a Power Plant at Chyausa thoruhg R.K. Engineering contractor from 18.12.2021 to 26.08.2022 for 12 hours but the remuneration was paid at the rate of 8 hours. When the Complainant demanded his remuneration then the appellants started abusing and assaulting him by calling his caste name in the store room and he was also removed from the said company.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. with ulterior motive. It is further submitted that the



occurrence took place in the store room and no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellants. It is further submitted that the appellants have no concern with the alleged offence. The appellants have no criminal antecedent as stated at para 3 of the bail petition.

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 appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 19.08.2023 passed by the learned Additional Session Judge-I-cum- Special Judge, SC/ST (PoA) Act, Buxar in connection with SC/ST Buxar P.S. Case No. 22 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their 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) each with two sureties of the like



amount each to the satisfaction of learned Additional Session Judge-I-cum- Special Judge, SC/ST (PoA) Act, Buxar in connection with SC/ST Buxar P.S. Case No. 22 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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