

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4290 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- SC/ST District- Begusarai

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KESHAB KUMAR @ KESHAB CHAUDHARY Son of Dinesh Singh R/o
vill - Keshawe, P.S. - Barauni (Refinery O.P.), Distt. - Begusarai

... .. Appellant/s

Versus

THE STATE OF BIHAR PATNA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajesh Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-02-2024 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 his counsel, but nobody appears on his 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 27.07.2023 passed by learned Exclusive Special Judge SC/ST (POA) Act, Begusarai in connection with SC/ST P.S. Case No. 42 of 2022 registered under Sections 147, 148, 149, 341, 323, 324, 380, 354(B), 427, 504, 506 of the



Indian Penal Code, Section 27 of Arms Act and Section 3(1)(r) (s), 3(2)(va)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellant along with other co-accused persons named in the FIR and 30-40 unknown persons came at the house of the informant, abused him by taking his caste name and assaulted the informant, destroyed his house and looted the house hold articles as well.

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 of assault and abuse levelled against the appellant is not specific rather general and omnibus in nature. No one has sustained injury in the alleged occurrence. No offence under the SC/ST Act is made out against the appellant as the alleged occurrence is not said to have taken place in public view. There is no specific overt act against the appellant. Similarly situated co-accused persons have been granted anticipatory bail by this Bench vide order dated 20.09.2023 in Criminal Appeal (SJ) No. 2875 of 2023 and Criminal Appeal (SJ) No. 2798 of 2023. 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 no specific overt act against the appellant to abuse the informant by taking caste name, 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 (POA) Act, Begusarai in connection with SC/ST P.S. Case No. 42 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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