

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4338 of 2023

Arising Out of PS. Case No.-1325 Year-2023 Thana- NAWADA District- Nawada

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Ram Parvesh Kumar @ Chhotu Singh @ Chhotu Kumar S/O Dayanand Singh
Village- Ohari, Ps. Nawada Town (KADIRGANJ O.P.) Dist. Nawada

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mayank Raj S/O Gaya Prasad Choudhary Village- Sidheshwarpur, Ps. Nawada Town, Dist. Nawada

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Deepak Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 05-04-2024 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 01.09.2023 passed by the learned court of Ex. Special SC/ST (POA) Act, Nawada in connection with Nawada Town (Kadirganj O.P.) P.S. Case No. 1325/2023, registered for the alleged offences under Sections 341/323/385/379/504/506 of the Indian Penal Code and Section 3(i) (r)(s) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellant and 4-5 co-accused persons are alleged to have abused the informant by calling his caste name while the informant was getting field cleaned by



J.C.B machine and demanded Rs. 20,000/- as *rangdari*. It is further alleged that they assaulted the informant and also snatched Rs. 2,800/- from his pocket and the driver of JCB was also assaulted and Rs. 500/- was also taken out from his pocket. Others teachers as well as retired teacher Rajendra Prasad Singh were also abused.

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 two criminal antecedents in which he is on bail as stated in para 3 of the appeal. There is no injury report of the informant on record to support the allegation of assault mentioned in para 13 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 and submitted that the occurrence is said to be taken place at the door of the informant.

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 01.09.2023 passed by the learned court of Ex. Special SC/ST (POA) Act, Nawada in connection with Nawada Town (Kadirganj O.P.) P.S. Case No. 1325 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 court of Ex. Special SC/ST (POA) Act, Nawada in connection with Nawada Town (Kadirganj O.P.) P.S. Case No. 1325 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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