

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4436 of 2023**

Arising Out of PS. Case No.-87 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. BARUN MAHTON @ ANKESH KUMAR son of Amar Mahton @ Nirmal Kumar Village- Manserpur Ps- Ballia Dist- Begusarai
 2. Bijo Sah @ Bijay Sah @ Bijay Sahoo son of Late Phucho Singh @ Fucho Sahoo Village- Manserpur Ps- Ballia Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ranjeet Kumar Rajak son of Late Dhanik Rajak Village- Manserpur Ps- Ballia Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Randhir Kumar No.1, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.pp
For the Resp. No. 2	:	Mr. Indrajeet Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-04-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated 19.08.2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in A.B.A. No. 1776 of 2023 arising out of Complaint Case No. 87 of 2020 dated 20.10.2020 registered for the offence/s punishable



u/ss 341, 323, 387, 504 and 506 of the Indian Penal Code and 3(i)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have come to the door of the complainant and started abusing by calling his caste name and demanded Rs. 50,000/- and threatened to kill.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident. Learned counsel has further submitted that no specific caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellant no. 2 has no criminal antecedent and the appellant no. 1 has two more criminal cases as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition 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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai in A.B.A. No. 1776 of 2023 arising out of Complaint Case No. 87 of 2020, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or 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 the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in A.B.A. No. 1776 of 2023 arising out of Complaint Case No. 87 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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