

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5100 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- BACHHWARA District- Begusarai

RAHUL KUMAR @ RAUKTA Son of Ram Prakash Ishwar R/o vill -
Bharaul, P.s. - Bachhwara, Distt. - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Pragas Paswan Son of Late Udgar Paswan R/o vill - Bharaul, P.S. -
Bachhwara, Distt. - Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 02-08-2024 Heard learned counsel for the appellant and
learned Special P.P. for the State.

2. Learned Special P.P. appearing for the State
submitted that notice has been served validly, but no one
appears for the informant.

3. The appellant has preferred the present
appeal under Section 14A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the “SC/ST Act”) against the refusal
of prayer for bail vide order dated 05.10.2023 passed by the
learned Exclusive Special Judge (SC/ST Act), Begusarai in
connection with Bachhhwara P.S. Case No.249 of 2023



registered under Sections 302 and 120B/34 of Indian Penal Code and Section 3(2)(va) of SC/ST Act.

4. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

5. The allegation against the appellant is to have committed murder of the son of the informant, along with other co-accused persons.

6. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. It is submitted that the informant is not the eye-witness to the occurrence. It is submitted that there is no specific allegation against this petitioner, where, allegation against him is general and omnibus in nature. It is also submitted that from bare perusal of FIR, it appears that there is no overt act against the appellant, which attracts atrocities within the meaning of the SC/ST Act.

7. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in *State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276*.

8. Learned Special P.P. for the State opposes the



prayer for bail of the appellant and submits that there is specific allegation against this appellant for committing the murder of the deceased(son of the informant).

9. On perusal of the first information report and impugned order dated 05.10.2023, it appears that appellant along with other co-accused persons to brutally assaulted the son of the informant due to old enmity with the informant and there is specific allegation against this appellant along with other co-accused persons for abusing, assaulting and shot fired upon the son of the informant (deceased) and all accused persons crushed the head of the deceased with bricks and stones. There is prima-facie involvement of the appellant and Section 18 of the SC/ST (POA) applicable in this present case specifying that the appellant cannot be granted bail under the provisions of 438 of Cr.P.C. So, considering all aspects of the matter and serious natures of offence, I am not inclined to grant anticipatory bail to the appellant.

10. Accordingly, the prayer for anticipatory bail of the appellant is hereby rejected.

11. However, if the appellant surrenders before the learned trial Court and prays for regular bail before the learned trial Court. The learned trail Court is directed to dispose of the



said regular bail application on the first date of hearing without
being prejudiced by this order.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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