

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.146 of 2024

Arising Out of PS. Case No.-51 Year-2022 Thana- RANIYATALAB District- Patna

SUNIL KUMAR @ GAIN SON OF GOKHUL MAHTO RESIDENT OF
VILLAGE - KUSHWAHA KANPA, P.S. - RANITALAB, DISTRICT -
PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RUBI DEVI RESIDENT OF VILLAGE - KUSHWAHA KANPA, P.S. -
RANITALAB, DISTRICT - PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Alok, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P. Mr. Gaurav Kumar / Mr. Vishal, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-08-2024 Heard learned counsel for the appellant, learned
Special P.P. for of the State and learned counsel appearing on
behalf of Respondent No. 2.

2. This appeal has been filed against the order dated
05.06.2023 passed by learned Exclusive Special Judge, SC/ST
Act, Patna in connection with Rani Talab P.S. Case No. 51 of
2022, registered under Sections 147, 149, 341, 323, 307, 354,
504 of the Indian Penal Code and Section 3(1)(r)(s) of
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (for short “SC/ST Act”), whereby the prayer for
anticipatory bail of appellant has been rejected.

3. As per prosecution case, on 17.03.2022 at about 5
PM, while the informant and her mother-in-law went to attend



the call of nature, this appellant started watching, upon which, they warned him, but after some time, this appellant alongwith other F.I.R. named co-accused persons, armed with *lathi* and iron rods, attacked them and also abused them by caste name.

4. Learned counsel for the appellant submits that present case is counter blast of Rani Talab P.S. Case No. 52 of 2022, which has been lodged by this appellant against informant side. F.I.R. does not disclose that any member of the public was present when the alleged words were uttered by appellant and other co-accused persons to informant side, and as such, no offence under the SC/ST Act is made out against appellant. Similarly situated co-accused persons have already been granted anticipatory bail, vide order dated 30.08.2023 passed in Cr.Appeal (SJ) No. 1629 of 2023. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the appeal.

6. However, considering the aforesaid facts and circumstances of the case as well as rival submissions advanced on behalf of the parties, the impugned order dated 05.06.2023 is, hereby, set aside and this criminal appeal is allowed.



7. Let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna in connection with Rani Talab P.S. Case No. 51 of 2022.

(Prabhat Kumar Singh, J)

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