

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.217 of 2024

Arising Out of PS. Case No.-470 Year-2023 Thana- PARBATTa District- Khagaria

Santosh Ray @ Santosh Kumar Roy S/O- Sri Ganesh Ray @ Ganesh Roy
Village- Sadanandpur, Ward No. 4, P.S.- Baliya, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nilesh Kumar Paswan son of Sri Sachidanand Paswan Village- Keriya Po-
Kariya Parbatta Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Prem Kumar, Adv.
For the informant	:	Mr. Aditya Prakash Sahay, Adv.
		Mr. Piyush Tiwari, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 02-05-2024 Heard learned counsel for the appellant, learned
counsel for the informant 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 (Prevention of Atrocities) Act, 1989 against the rejection of prayer of bail of the appellant vide order dated 25.11.2023 passed by the learned Additional Sessions Judge, 1st cum Special Judge, SC/ST Act, Khagaria in connection with Parbatta P.S. Case No. 470 of 2023 dated 12.10.2023 registered for the alleged offences punishable under Sections 500, 509, 505, 504, 506, 153A read with Section 34 of the Indian Penal Code and Sections 3(i)(r)(s)/ (2)(3) (va)of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and u/s 66/67 of the I.T. Act and Section 10, 11, 12 of the Court of Contempt Act.

3. As per prosecution case, the informant's friend informed him that on a social media namely, "New Sadan Tak" the appellant is abusing him then the informant searched the said social media and found that the appellant abused him and his family members by calling his caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case due to land dispute. The informant has also filed Parbatta P.S. Case No. 45 of 2023 against the appellant in which he has made same and similar allegation and when in that case, bail was granted to the appellant then with malafide intention, the informant has again made accused the appellant in the present false case. The informant has made allegation only on the basis of the post of the appellant in social media and from perusal of the same, it is evident that no offence under the provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 24.10.2023. The appellant has six criminal antecedents as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as



well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

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 appellant, the impugned order dated 25.11.2023 passed by the learned Additional Sessions Judge, 1st cum Special Judge, SC/ST Act, Khagaria in connection with Parbatta P.S. Case No. 470 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st cum Special Judge, SC/ST Act, Khagaria in connection with Parbatta P.S. Case No. 470 of 2023 with the following conditions :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.



(ii) If the appellant is found involved in similar nature of case in future, his bail bond is liable to be cancelled.

(Chandra Prakash Singh, J)

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