

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4843 of 2023

Arising Out of PS. Case No.-185 Year-2023 Thana- IMAMGANJ District- Gaya

Antu Singh @ Priya Ranjan S/o Late Girendra Singh R/o Village- Jamuna,
P.O. Malhari Jamuna, Imamganj, Dist. Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. The Circle Officer, Imamganj, Gaya Bihar, Gaya
3. The Nazir, Imamganj, Gaya Bihar, Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanket, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.
For the Resp. Nos. 2 & 3: Mr. Virendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-04-2025 Heard Mr. Sanket, learned counsel for the
appellant, Mr. Virendra Prasad, learned counsel appearing on
behalf of the Respondent Nos. 2 & 3 as well as Mr. Binay
Krishna, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
18.09.2023 passed by the learned Exclusive Special Judge
SC/ST Special Court, Gaya in connection with Imamganj P.S.
Case No. 185 of 2023, F.I.R. dated 13.07.2023 registered under
Sections 341, 447, 353, 504 and 506 of the Indian Penal Code
and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled
Tribes (POA) Act.



3. According to the prosecution case, this appellant has abused the informant by taking his caste name.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that it transpires from the F.I.R itself that the appellant has not abused the informant by taking his caste name and in the F.I.R, the appellant has stated that “ जाति सूचक शब्द हरिजन जैसे शब्द का प्रयोग किया गया ” which suggest that the appellant has not abused the informant by his caste name and apart from that it appears that all the occurrence took place in the chamber of the officials which is not the public place, so no case is made out under the SC/ST Act.

5. Learned counsel appearing on behalf of the Respondent Nos. 2 & 3 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant. Learned counsel for the Respondent Nos. 2 & 3 relied upon the paragraph no. 7 of the judgment reported in **2017 (2) PLJR (Dr. Prem Prakash Gupta & Anr. Vs. The State of Bihar)** which suggest that the case is made out under



against the appellant under the SC/ST act. Apart from that he further relied upon the paragraph nos. 36 and 54 of the judgment reported in **(2018) 6 SCC 454 (Dr. Subhash Kashinath Mahajan Vs. State of Maharashtra & Anr.)**.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Having heard the parties and perused the material available on record it transpires that it is the admitted fact that the occurrence took place in the chamber of the officials which is not the public place, so no case is made out under the SC/ST act, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Special Court, Gaya in connection with Imamganj P.S. Case No. 185 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

