

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3394 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- RASULPUR District- Saran

SANTOSH KUMAR SHARMA @ SANTOSH SHARMA Son of Late Chandrikalal Sharma @ Bhola Sharma Resident of Village-Ghurghat, P.S.-Siswan, District-Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. BITU KUMAR SAH Son of Surendra Sah Resident of Village-Chainpur, Mubarakpur, P.S.-Siswan, Dist.-Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 20-04-2026 1. Heard learned counsel for the appellant, learned Special P.P. Ms. Usha Kumari No.I for the State and the learned counsel appearing on behalf of the respondent no.2.

2. This is an appeal under Section 14-A(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 anticipatory bail vide order dated 10.04.2023 passed by the learned Additional Sessions Judge-3rd-cum Special Judge, SC/ST/MP/MLA, Saran at Chapra in Rasulpur P.S. Case No.177/2022, registered under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.



3. Learned counsel for the appellant submits that appellant has antecedent of three cases and the informant alleges that he works in the house of Vijay Shankar Prasad, further he asked not to pluck mangoes from the orchard of his master, on which the accused persons including the appellant abused him by taking caste name and assaulted by fist and leg.

4. Learned counsel submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that on trivial issue of plucking mangoes, the occurrence is alleged to have taken place. It is next submitted that though informant alleges that he was abused and assaulted by fist and leg but then allegation of of abuse and assault is general and omnibus in nature when SC/ST Act is a stringent Act. It is also submitted that the FIR does not disclose where the occurrence took place.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the appeal but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that the allegation of abuse and assault is not specific and the informant does not disclose where the occurrence took place.

6. Considering the submissions made by the learned



counsel for the appellant, the appellant, above named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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