

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.50 of 2022

Arising Out of PS. Case No.-9 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

SUBHASH CHANDRA GUPTA Son of Jai Shankar Prasad Resident of
Village - Upari, P.s.- Ramgarh, Distt.- Kaimur (Bhabua).

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar Mishra, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 20-04-2026 1. Heard learned counsel for the appellant and learned Spl. P.P. for the State, Mr. Sadanand Paswan.
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 18.11.2021 in A.B.P. No. 1012 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabhua in connection with Bhabhua SC/ST P.S. Case No. 09 of 2020 registered for the offences punishable under Sections 341, 323 and 379 of the Indian Penal Code as well as Sections 3(i), (r), (s) (w) and 3(2)(va) of the SC/ST Act.
3. The learned Special PP, at the outset, submits that in compliance of the order dated 07.07.2022, the concerned police officer was intimated about the pendency of the appeal



for informing the informant so that he appears in the case.

4. In view of the submissions made by the learned Special PP, the notice is deemed to be validly served.

5. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that appellant intentionally dashed the auto from which she was alighting and abused by taking caste name and fled after snatching her chain when people started gathering.

6. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant and the appellant were known to each other, thus, has been made an accused by name in the instant FIR. It is also submitted that no doubt the motorcycle of the appellant dashed the auto from which the informant was alighting, but then the accident occurred unintentionally, on which the informant abused when an altercation took place and the instant FIR came to be instituted with false allegation. It is also submitted that it does not appear probable that appellant would have snatched the chain of the informant knowing that the informant knows him, this perhaps explains why the informant despite being aware



about the pendency of the case, chooses not to appear and contest.

7. Learned Spl. P.P. for the State opposes the appeal.

8. In view of the submissions made by the learned counsel for the appellant, the order dated 18.11.2021 in A.B.P. No. 1012 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabhua in connection with Bhabhua SC/ST P.S. Case No. 09 of 2020, **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with Bhabhua SC/ST P.S. Case No. 09 of 2020 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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