

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3701 of 2023

Arising Out of PS. Case No.-472 Year-2022 Thana- KHUSRUPUR District- Patna

PAWAN @ PAWAN KUMAR SON OF RAMANAND CHAND @
RAMANAND CHAIE RESIDENT OF VILLAGE- SAFIPUR, PS-
KHUSHRUPUR, DISTRICT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. REKHA DEVI WIFE OF MANJAY KUMAR RESIDENT OF VILLAGE-
SAFIPUR, PS- KHUSHRUPUR, DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prem Kumar
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

5 29-03-2024 Heard learned counsel for the appellant 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 against the refusal of prayer for anticipatory bail vide order dated 01.05.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Khusrupur P.S. Case No. 472/2022, registered for the alleged offences under Sections 341/323/354/504/506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the S.C./S.T. Act.

3. As per the prosecution case, the appellant and other co-accused persons are alleged to have molested the informant. On being protested, the appellant and the co-accused persons assaulted the informant as well as his family members and abused by calling



caste name and also threatened the informant.

4. Learned counsel for the appellant submitted that the appellant is innocent and has falsely been implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the incident and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated in para 3 of the appeal. There is a case and counter case between both the parties.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory 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 learned counsel for the appellant, the impugned order dated 23.06.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Khusrupur P.S. Case No. 472/2022 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of court of learned Exclusive Special Court, SC/ST Act, Patna in



connection with Khusrupur P.S. Case No. 472/2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

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

