

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.358 of 2020**

Arising Out of PS. Case No.-542 Year-2019 Thana- SHERGHATI District- Gaya

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1. SUNIL PRASAD @ ANIL PRASAD S/o Gajadhar Saw @ Gajadhar Prasad,
 2. Suraj Kumar @ Suraj Prasad @ Sury Kumar @ Sarju Prasad, S/o Yogendra Saw,
 3. Chhotu Prasad @ Mohan Kumar, S/o Gajadhar Saw @ Gajadhar Prasad,
 4. Raja Prasad @ Raja Kumar S/o Sunil Prasad,
 5. Rajeev Kumar, S/o Sunil Prasad,
 6. Raushan Kumar @ Roshan Kumar, S/o Sunil Prasad,
All R/o Mohalla- Basantbag Golabazar, P.S.- Sherghati, District- Gaya.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinod Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 20-01-2021 Heard learned counsel for the appellants and
learned Special P.P. for the State.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the appellants undertake to remove the defects as pointed out by the office within three weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.



By way of this memo of appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989 appellant seeks for setting aside the order dated 12.12.2019 in connection Sherghati P.S. Case No. 542/2019 and registered under Sections 147, 148, 149, 341, 323, 379, 307 of the Indian Penal Code and Sections 3 (i) (r) (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 by the learned Special Judge (S.C./S.T.), Gaya.

Prosecution case in brief is that the informant was going to milk his cow when the appellants along with other accused persons started abusing him and asked not to visit this way as he is Harijan. It is further alleged that when the informant objected to this accused persons started beating him with lathi, danda and hockey stick and iron rod due to which he become unconscious and blood started oozing out from his head. It is further alleged that when the family members of the informant came for his rescue they were also beaten up by the appellants alongwith others and also snatched golden chain of informant's wife along with Rs.2,000/-.

Learned counsel for the appellants submits that the appellants are innocent and have committed no offence but have



been falsely implicated in this case. There is enmity with the informant and the appellants due to passage causing involvement of the appellants in this very case. The appellants have clean antecedent.

Learned Special P.P. for the State opposes the prayer for bail and submits that there is specific allegation of assault and abuse against the appellants.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Accordingly, the prayer for bail of the appellants are rejected.

Accordingly, this appeal is dismissed.

However, appellants are directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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