

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3853 of 2021

Arising Out of PS. Case No.-288 Year-2020 Thana- BARACHATTI District- Gaya

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1. Deo Kumar Prajapati, aged about 56 years, male, Son of Late Gauri Prajapati
 2. Anish Kumar @ Sonu Kumar, aged about 21 years, male, Son of Deo Kumar Prajapati
 3. Gualabi Devi, aged about 42 years, female, W/o Deo Kumar Prajapati
 4. Nitu Kumari, aged about 22 years, female, D/o Deo Kumar Prajapati
- All are resident of Village - Patti, Near - Sheo Mandir, P.S. - Barachatti, Distt. - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Adv.

For the Respondent/s : Ms. Usha Kumari-1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 07-10-2021 Heard Mr. Ajay Kumar Sinha, the learned Advocate for the appellants and Ms. Usha Kumari-1, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 03.08.2021 passed by the learned Exclusive Special Judge,



SC/ST Act, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 288 of 2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code and Section 3(i)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellants is of having entered the house of the informant and abused and assaulted him. The specific act of assault has been attributed to appellant No. 1.

The learned counsel for the appellant has submitted that the accusation is absolutely vague and general. No motive has been assigned for the occurrence and there is no injury report on record.

It has further been submitted that the petitioners are at complete loss to state as to the reason for lodging of this case. Precisely for this, it has been argued that the offence under the S.C./S.T. (Prevention of Atrocities) Act, even if the allegations are taken on its face value, cannot be said to have been made out.



Regard being had to the aforesaid submissions, the order dated 03.08.2021, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 288 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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