

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.280 of 2022**

Arising Out of PS. Case No.-341 Year-2021 Thana- CHANDI District- Nalanda

Dinesh Prasad Son Of Mohan Mahto Resident Of Village- Bahadurpur, P.S.-
Chandi, District- Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

2 19-05-2022 Heard learned counsel for the appellant, respondent no.
2 and learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 14.12.2021, passed by learned Special Judge (SC/ST Act), Bihar Sharif (Nalanda), in connection with Chandi P.S. Case No.341/2021, registered under sections 341, 323, 302, 504, 201, 34 of the IPC, and 3 (i)(r), 3 (h), 3 (ii) (v) of SC/ST Act.

Appellant is said to have abused the informant by taking



caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case due to enmity. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. There is no specific allegation against the appellant. The specific allegation is levelled upon other accused persons. He submits that similarly situated co-accused has been granted bail by this Court on 02.03.2022 passed in Cr. APP (SJ) No. 4492 of 2021. The appellant has no criminal antecedent and is in custody since 24.08.2021.

Learned Spl. PP for the State and informant oppose the prayer for bail.

Considering the facts that there is no specific allegation against the appellant, let the above named appellant be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Biharsharif (Nalanda), in connection with Chandi P.S. Case



No.341/2021.

The impugned order is set aside and accordingly the appeal is allowed.

(Anjani Kumar Sharan, J)

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