

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.284 of 2022**

Arising Out of PS. Case No.-615 Year-2018 Thana- BARACHATTI District- Gaya

GOURI SHANKAR MANGHI @ GOARI MANGHI Son of Rambilash  
Manghi Resident of Village - Ganguar, P.s.- Barachatti, Distt.- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Kunwar Narayan Jamuar, Advocate  
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

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

2      19-05-2022      Heard learned counsel for the appellant and learned  
Spl.P.P. for the State.

It is submitted by learned counsel for the appellant that the appellant also belongs to the SC/ST category, as such, no offence under SC/ST is applicable.

Considering the same, since appellant himself belongs to SC/ST category, there is no requirement of issuing notice upon the informant.

Learned counsel for the appellant undertakes to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. 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 (Amendment Act, 2016) (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 21.10.2021, passed by learned Exclusive Special Judge, SC/ST, Gaya, in connection with Barachatti P.S. Case No.615/2018, registered under sections 147, 148, 149, 323, 308 of the IPC and section 3(i)(r)(s) SC/ST Act.

Allegedly, the F.I.R. named accused persons including the appellant have indiscriminately assaulted the informant and his brother by means of lethal weapons.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to previous enmity. This case is counter blast of Barachatti P.S. Case No.616 of 2018. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has been languishing in custody since 25.01.2021 and has one criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstance of the case, since there is no specific allegation against the appellant, the above named appellant is directed to 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 Exclusive Special Judge, SC/ST, Gaya, in connection with Barachatti P.S. Case No.615/2018.

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

**(Anjani Kumar Sharan, J)**

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