

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2106 of 2022**

Arising Out of PS. Case No.-144 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Sarwan Yadav @ Sarwan Kumar @ Sarvan Kumar S/O Ramji Yadav Resident Of Village- Kajichak, P.S.- Magadh Medical, District- Gaya.
 2. Mayank Kumar W Mayank Rajvanshi S/O Surendra Yadav Resident Of Village- Kajichak, P.S.- Magadh Medical, District- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Azad Kumar S/O Girja Choudhary Resident Of Village- Kajichak, P.S.- Magadh Medical, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2
For the Respondent/s : Mr. Sadanand Paswan

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

3 14-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to
remove the defects within four weeks.

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 of anticipatory bail
vide order dated 21.05.2022 passed by learned Exclusive
Special Judge, SC/ST Act, Gaya in connection with Magadh
Medical P.S. Case No. 144/2021 registered under Sections 147,



149, 341, 323, 307, 379 and 504 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they along with other co-accused persons are said to have abused the informant by taking the caste name and also attacked on the informant due to which he received injury on the head.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case. It is mentioned in para-3 of the supplementary affidavit that the allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case and the fact that there is no specific overt act against the appellants of abusing the informant by taking the caste name, the above



named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five 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 Magadh Medical P.S. Case No. 144/2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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