

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2875 of 2022

Arising Out of PS. Case No.-252 Year-2022 Thana- BARACHATTI District- Gaya

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1. KEDAR PRASAD @ KEDAR MAHTO S/O LAKHAN MAHTO Resident of village- Mahkampur, P.S.- Barachatti, District- Gaya
 2. RABINDRA KUMAR S/O LATE SURENDRA PRASAD Resident of village- Mahkampur, P.S.- Barachatti, District- Gaya
 3. CHHEDI PRASAD @ CHHEDI MAHTO S/O SHIVNANDAN PRASAD Resident of village- Mahkampur, P.S.- Barachatti, District- Gaya
 4. ANIL KUMAR @ ANIL KUMAR VERMA S/O SHIVNANDAN PRASAD Resident of village- Mahkampur, P.S.- Barachatti, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar.
2. KESHRI DEVI W/O SURESH KUMAR Resident of village- Mahkampur, P.S.- Barachatti, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-11-2022 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. In the eventuality of non-removal of defects within undertaken 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 of anticipatory bail vide order dated 06.05.2022 passed by learned Exclusive Special Judge SC/ST, Gaya in connection with Barachatti P.S. Case No. 252/2022 registered under Sections 147, 148, 149, 323, 324, 325, 354(B), 307, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s)(w)(i)(ii)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Similarly situated other co-accused persons have already been granted anticipatory bail by the Coordinate bench of this court vide order dated 23.11.2022 passed in Cr. Misc. No.2444 of 2022. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case, 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, Gaya in connection with Barachatti P.S. Case No. 252/2022, 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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