

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.619 of 2021

Arising Out of PS. Case No.-36 Year-2018 Thana- SC/ST District- Gaya

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1. Ayodhya Thakur Son Of Late Mahavir Thakur Resident Of Village- Puna Kala, P.S.- Paraiya, Distt- Gaya.
 2. Bintu Thakur @ Bittu Thakur @ Bindu Thakur Son Of Ayodhya Thakur Resident Of Village- Puna Kala, P.S.- Paraiya, Distt- Gaya.
 3. Ajay Thakur Son Of Ayodhya Thakur Resident Of Village- Puna Kala, P.S.- Paraiya, Distt- Gaya.
 4. Arvind Thakur @ Arvind Kumar S/O Ayodhya Thakur Resident Of Village- Puna Kala, P.S.- Paraiya, Distt- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi Pradeep Paswan R/o Village- Puna kala, P.S.- Paraiya, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar
For the State	:	Mr. Sadanand Paswan
For respondent no. 2	:	Mr. Suraj Narayan Yadav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-04-2022 Heard learned counsel for the parties.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 25.01.2020, passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST P.S. Case No. 36 of 2018, registered under Sections 147, 149, 341, 354, 504 of the IPC and Sections 3 (i) (r) (s) of the SC/ST Act.



Appellants are said to have abused and assaulted the informant by fist and slaps.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that occurrence took place on 27.09.2018 and the FIR has been registered on 03.10.2018 after a long delay of six days of the occurrence but no explanation has been given regarding such delay. He submits that there is general and omnibus allegation levelled against the appellants. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State and informant oppose the prayer for bail and submit that there is specific allegation against the appellant to abuse the informant by taking caste name.

Considering the fact that there is delay in lodging the FIR, 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 bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with



SC/ST P.S. Case No. 36 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed. However, learned court below is directed to accept the bail bond of the appellants if cognizance has not been taken against the appellants in the present case.

(Anjani Kumar Sharan, J)

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