

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3874 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- GURUA District- Gaya

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1. KRISHNADEV KUMAR @ KRISHNA KUMAR VARMA @
KRISHNADEV KUMAR VARMA S/O DEONANDAN SINGH
RESIDENT OF VILLAGE- PATHARA, P.S.- GURARU, DISTRICT-
GAYA
 2. DILIP SHARMA S/O RAMSEVAK SHARMA RESIDENT OF VILLAGE-
SHAMSHERKHAP, P.S.- AMAS, DISTRICT-GAYA
 3. RAJESH PRASAD S/O RAMBILASH SINGH RESIDENT OF VILLAGE-
PATHARA, P.S.- GURARU, DISTRICT- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Mamta Devi W/o Tapeswar Bhuiyan Resident of Simari Tola, Moti Bigha,
P.S.- Gurua, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vinod Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP. Mr. Mahendra Thakur, Adv. Mr. Vijay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-11-2022 Heard the parties.

Learned counsel for the appellants is directed to remove
defect(s) pointed out by the office within four weeks.

This is an appeal under section 14(A) 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 anticipatory bail vide order dated 11.08.2021,
passed by the learned SC/ST Court, Gaya, in connection with



Gurua P.S. Case No.33 of 2021, registered u/s 341, 323, 436, 504, 506, 34 of the IPC and sections 3(i)(r)(w) of SC/ST Act.

Allegedly, the FIR named accused persons including the appellants are said to have abused and assaulted the informant. They also abused the villagers of the informant. It is further alleged that appellants along with other co-accused persons put her house on fire causing damage of house hold property.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is falsely alleged that that appellants put her house on fire. There is general allegation of assault, abuse and burning the house of the informant against the appellants. There is no mention of any injury of the informant's side. It is further submitted that no offence under the SC/ST Act is made out against the appellants as the alleged occurrence is not said to have taken place in public view. Appellants have no criminal antecedent.

Learned Spl. PP for the State as well as respondent no.2 opposed the prayer for bail and submits that from perusal of the FIR it is clear that there is allegation against the appellants to abuse the informant by taking caste name.



Considering the facts and circumstances of the case, since there is specific and direct allegation against the appellants to abuse the informant by taking caste name, I am not inclined to enlarge them on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

This appeal is accordingly dismissed.

(Anjani Kumar Sharan, J)

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