

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.535 of 2021**

Arising Out of PS. Case No.-61 Year-2019 Thana- SC/ST District- Gopalganj

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1. SARVANAND GUPTA S/o BHAGRASHAN SAH Resident of Village- Bagheji, P.S.- Barauli, Distt- Gopalganj.
 2. Bhagrashan Sah @ Bhagrashan Son of Jugli Sah @ Jugal Sah Resident of Village- Bagheji, P.S.- Barauli, Distt- Gopalganj.
 3. Sangeeta Devi W/o Sarvanand Gupta Resident of Village- Bagheji, P.S.- Barauli, Distt- Gopalganj.
 4. Ravikant Gupta Son of Janardhan Sah Resident of Village- Bagheji, P.S.- Barauli, Distt- Gopalganj.
 5. Santoshi Devi W/o Ravikant Gupta Resident of Village- Bagheji, P.S.- Barauli, Distt- Gopalganj.

... .. Appellants.

Versus

1. The State of Bihar.
2. Upendra Manjhi son of Prahlad Manjhi Resident of village- Bagheji, Post- Bagheji, P.S.- Barauli, District- Gopalganj

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Pankaj Kumar Dubey
For the Respondent/s : Mr. Sadanand Paswan

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

4 12-07-2022 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.

Today, learned counsel for the appellants filed a
jointness petition in Court. Let it be kept on record.



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 01.02.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 61/2019 registered under Sections 341, 323, 354B, 447, 504 & 506/34 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.

While the informant was sitting at his door with his brother, the appellants are said to have abused them with their caste name in course of crossing the house of the informant. They also assaulted him and threatened of dire consequences.

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 due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Slating the informant/ in the name of caste is said to have been made at the house of the



informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Gopalganj in connection with Gopalganj SC/ST P.S. Case No.61/2019, 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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