

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.277 of 2023**

Arising Out of PS. Case No.-38 Year-2022 Thana- RISIYAP District- Aurangabad

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Pramod Singh S/O Satyanarayan Singh R/O Village- Matihani, P.S.- Risiup,
Distt- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Malti Devi W/o Birendra Paswan R/o Village- Matihani, P.S.- Risiup, Distt-
Aurangabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh
For the Respondent/s : Ms. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 19.07.2023, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

3. 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 15.12.2022 passed by learned 1st Additional
District & Session Judge-cum-Special Judge, SC/ST,
Aurangabad, in connection with Risiup P.S. Case No. 38 of



2022 registered under Sections 341, 323, 379, 504, 308, 354, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The informant alleged that when she demanded wages for work rendered in field of Umashankar and Murari, they refused to make payment and abused and assaulted her with *lathi* causing injury on waist and when her nephew came to save her, they assaulted him by an iron rod causing injury on his head and face, thereafter, her son and family members came to save them then the accused persons including the appellant came and abused by taking caste name and assaulted her.

5. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. 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 appellant. There is no specific overt act against the appellant. There is specific allegation against co-accused Umashankar and Murari. Similarly situated co-accused have been enlarged on bail by co-ordinate bench of this Court vide order dated 11.07.2023 passed in Cr. Appeal (SJ) No. 4199 of 2022. Appellant has got no antecedent as mentioned in para-3 of



memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering the facts and circumstances of the case, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Session Judge-cum-Special Judge, SC/ST, Aurangabad, in connection with Risiup P.S. Case No. 38 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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