

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.562 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- BARUN District- Aurangabad

Mamta Devi Wife Of Nagendra Singh R/O Village- Sahaspur, P.S.- Barun,
District- Aurangabad

... .. Appellant/s

Versus

1. The State Of Bihar
2. Birendra Kumar Ram Son Of Not Given Posted At Barun P.S. As A.S.I.
District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The informant is a police personnel, hence there is no requirement to issue notice or to inform him about the present case as he is represented by the learned Spl. P.P. for the State.

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 08.12.2022 passed by learned Additional Sessions Judge-1st cum Special Judge SC/ST (POA) Act,



Aurangabad, in connection with Barun P.S. Case No. 287 of 2022 registered under Sections 147, 148, 149, 341, 353, 504 and 506 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 he on information went to the place of occurrence and apprehended a truck loaded with sand and thus called the government driver to take the truck, then villagers including the appellant assembled and created ruckus and abused him by taking case name.

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. He submits that there is no specific overt act against the petitioner. Similarly situated co-accused have been enlarged on bail by a co-ordinate bench of this Court vide order dated 06.12.2022 passed in Cr. Appeal (SJ) No. 2963 of 2022 and vide order dated 08.12.2022 passed in Cr. Appeal (SJ). No. 3977 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 Additional Sessions Judge-1st cum Special Judge SC/ST (POA) Act, Aurangabad, in connection with Barun P.S. Case No. 287 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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