

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.544 of 2023

Arising Out of PS. Case No.-34 Year-2019 Thana- SC/ST District- Patna

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GOPAL SINGH SON OF LATE PARDUMAN PRASAD SINGH
RESIDENT OF VILLAGE BABU TOLA BANK, P.S. BANK, DISTRICT
BANKA.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sabal Kumar Jha, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order of this Court, learned Spl.P.P.
for the State informed the informant of this case about her
appearance in the appeal but nobody appears on her behalf.

3. 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 anticipatory bail vide order dated
12.12.2022, passed by learned Exclusive Special Judge, SC/ST
Act, Patna, in connection with SC/ST P.S. Case No.34 of 2019,
registered under sections 341, 323, 354, 504, 34 of the IPC and
sections 3(i)(s)/3(3)(ra) of the SC and ST Act, 2016.



4. The accusation against the appellant and other accused persons is of making assault and abusing the informant by taking caste name.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against him to abuse the informant by taking caste name. Appellant has no criminal antecedent and several similarly situated co-accused has been granted anticipatory bail by co-ordinate Benches of this Court vide Cr. Appeal (SJ) No.1256 of 2020 dated 23.02.2021 and Cr. Appeal (SJ) No.302 of 2022 dated 07.07.2022.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case, since similarly situated co-accused have been granted bail, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Patna, in connection with SC/ST P.S. Case No.34 of 2019, 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)

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