

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.631 of 2023

Arising Out of PS. Case No.-516 Year-2022 Thana- GAYA MUFASIL District- Gaya

Munna Singh @ Dev Kumar Singh Son Of Upendra Singh R/V- Rasalpur,
P.S.- Mufassil, District- Gaya. At Present At Gurudwara Marg, Giddi A. P.S.-
Giddi, District- Ramgarh (Jharkhand)

... .. Appellant/s

Versus

1. The State of Bihar
2. Niranjan Das Son Of Late Rajendra Das R/V- Rasalpur, P.S.- Mufassil,
District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rabindra Kumar Priyadarshi
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has
informed that in compliance of the order dated 09.08.2023, he
has informed the informant/complainant but none is present on
his/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 bail vide order dated
04.01.2023, passed by learned Exclusive Special Judge, SC/ST,
Gaya in connection with Muffasil P.S. Case No. 516 of 2022,
registered under Sections 304/34 of the IPC and Sections 3(i) (r)



(s) of SC/ST Act.

4. As per FIR, petitioner along with other accused persons came having hockey stick, rod, lathi-danda, chain and pistol and rescued Mritunjay Singh from the custody of informant and his men. It is further said that petitioner uttered word 'Chamar'.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He further submits that appellant has criminal antecedent as stated in para-3 of this appeal.

6. 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 the learned Exclusive Special Judge, SC/ST, Gaya in connection with Muffasil P.S. Case No. 516 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

(Anjani Kumar Sharan, J)

devendra/-

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