

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.709 of 2023

Arising Out of PS. Case No.-389 Year-2022 Thana- ATRI District- Gaya

SONU SAW Son of Late Shiv Charan Saw R/o Village - Bhagalpur
Chamardih, P.S.- Atri, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Manjhi Son of Fekan Manjhi Resident of Village - Bhagalpur, O.P.-
Gehlaur, P.S.- Atri, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Notice the validly served upon the respondent no.2
but nobody appears on his behalf.

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 25.11.2022 passed by learned I/C Exclusive
Special Judge, SC/ST Gaya in connection with Atri P.S. Case
No. 389 of 2022, registered under Sections 341, 323, 379, 354,
504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, appellant is said to have abused the informant and his daughter.

5. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is case and counter case between the parties. There is no allegation of slating the informant in the public place and all the occurrence took place inside the house. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State along opposes the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

7. In the facts and circumstances of the case and the fact that all the occurrence took place inside the house, 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 I/C Exclusive



Special Judge, SC/ST Gaya in connection with Atri P.S. Case
No. 389 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)

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