

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.735 of 2023

Arising Out of PS. Case No.-500 Year-2022 Thana- WAJIRGANJ District- Gaya

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1. Mannu Singh @ Manish Kumar @ Monu Kumar Son Of Sanjay Singh Resident Of Village- Kurkihar, P.S.- Wazirganj, District- Gaya (Bihar)
 2. Rishikesh Kumar @ Rishi Singh Son Of Sanjay Singh Resident Of Village- Kurkihar, P.S.- Wazirganj, District- Gaya (Bihar)
 3. Sanjay Singh Son Of Sri Rameshwar Singh Resident Of Village- Kurkihar, P.S.- Wazirganj, District- Gaya (Bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lalan Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellants and learned
Spl. PP for the State.

Learned counsel for the appellants seeks permission to withdraw this application with regard to appellant no. 2 submitting that during pendency of this application the appellant no.2 has already been apprehended by the police.

Permission is granted.

Accordingly, this application with regard to appellant no. 2 is dismissed as withdrawn.

Now this application is being heard only with regard to appellants no. 1 and 3, only.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

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 09.12.2022 passed by learned Special Judge, SC/ST Court, Gaya, in connection with Wazirganj P.S. Case No. 500 of 2022 registered under Sections 341, 447, 323, 379, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned Spl. PP for the State, in compliance of order dated 22.03.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

As per the prosecution case, the appellants and other co-accused persons came and compelled the informant to compromise the case and when the informant declined to compromise the case, they threatened, abused him and assaulted him.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. He submits that the informant implicated the appellants only with intention of harassing them. He submits



that there is no specific overt act against the appellants. He submits that the occurrence took place inside the house. Appellants have got one criminal antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellants abused the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and the fact that occurrence has not occurred in public place, let the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Court, Gaya, in connection with Wazirganj P.S. Case No. 500 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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