

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.729 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- KUTUMBA District- Aurangabad

1. PINTU KUMAR @ PINTU YADAV Son of Suryadeo Yadav Resident of Village- Loharchak, P.O and P.S.- Kutumba, District- Aurangabad
2. ANUJ YADAV Son of Ajay Yadav Resident of Village- Loharchak, P.O and P.S.- Kutumba, District- Aurangabad
3. ARJUN KUMAR @ ARJUN YADAV Son of Ram Swarup Yadav Resident of Village- Loharchak, P.O and P.S.- Kutumba, District- Aurangabad
4. MANTU KUMAR @ MANTU YADAV Son of Kapil Yadav Resident of Village- Loharchak, P.O and P.S.- Kutumba, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Mantu Ram Son of Dev Keshwar Ram Resident of Mahuwa Dham, Mirjapur, P.S.- Kutumba, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Rupa Kumari, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-11-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about his appearance in the appeal 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 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated



17.12.2022, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, Aurangabad, in connection with Kutumba P.S. Case No.231 of 2022, registered u/s 341, 323, 504, 379/34 of the IPC and sections 3(1)(r)(s)/3(2) (va) of the SC/ST Act.

4. As per the F.I.R., the named accused persons including the appellants abused the informant by taking his caste name and asked him to remove stair from road, which the informant was using in fitting electric wire. Thereafter, they attacked upon him with lathi-danda.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have 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 appellants as there is no evidence that the said occurrence has taken place in the public view. There is no specific overt act against the appellants to abuse the informant by taking caste name. Appellant nos.1 and 4 have no criminal antecedent and appellant nos.2 and 3 have one criminal antecedent.

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



7. Considering the facts and circumstances of the case, since there is no specific overt act against the appellants, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, Aurangabad, in connection with Kutumba P.S. Case No.231 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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