

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.734 of 2023

Arising Out of PS. Case No.-640 Year-2022 Thana- BODHGAYA District- Gaya

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1. Roshan Pandey @ Raushan Kumar Pandey @ Raushan Pandey S/O Late Ramprit Pandey Resident Of Village- Nevtapur, P.S.- Bodh Gaya, District- Gaya.
 2. Hridiyanand @ Jhatpat Pandey @ Hridiyanand @ Hirdanand Pandey @ Hirdyanand Pandey S/O Late Durga Pandey @ Late Durga Sharan Pandey Resident Of Village- Nevtapur, P.S.- Bodh Gaya, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Laxmi Devi W/O Dilip Manjhi Resident Of Village- Mauniya, Post And P.S.- Bodh Gaya, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 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 30.11.2022 passed by learned I/c Special Judge, SC/ST, Gaya, in connection with Bodh-Gaya P.S. Case No. 640 of 2022 registered under Sections 147, 148, 341, 323, 354, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) and 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.

Allegation against the appellant is that they along with 10.15 other co-accused persons came with deadly weapon and assaulted the informant. It is further alleged that appellant no. 1 along with one Baiju Pandey pushed the informant down by holding her hair, they made informant half naked and also threatened her.

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 only allegation against the appellant no. 1 is that he along with another accused had caught the hair-lock of the informant and pushed her *saari* which is completely superficial allegation. There is no specific overt act against appellant no. 2. Appellants have got no 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 and there is specific allegation against appellant no. 1.

Considering the facts and circumstances of the case, let the above named appellant no. 2, 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 Special Judge, SC/ST, Gaya, in connection with Bodh-Gaya P.S. Case No. 640 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

However, considering the facts and circumstances of the case and the fact that there is specific allegation against appellant no. 1, I am not inclined to enlarge the appellant no.1 on anticipatory bail. The prayer for anticipatory bail of the appellant no. 1 is hereby rejected.

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

(Anjani Kumar Sharan, J)

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