

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1623 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- DINARA District- Rohtas

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1. RAJU SAH @ RAJESH KUMAR GUPTA S/O VISHUN SAH R/O VILLAGE BHANPUR, POLICE STATION- DINARA, DISTRICT- ROHTAS
 2. SRI BHAGWAN SAH S/O LATE BADRI SAH R/O VILLAGE BHANPUR, POLICE STATION- DINARA, DISTRICT- ROHTAS
 3. SURYADEV SAH @ SURYADEV PRASAD SAH @ SURYADEV PRASAD @ SURDEV SAH S/O SRI BHAGWAN SAH R/O VILLAGE BHANPUR, POLICE STATION- DINARA, DISTRICT- ROHTAS
 4. AKSHAY LAL SAH @ AKSHAY LAL PRASAD S/O SRI BHAGWAN SAH R/O VILLAGE BHANPUR, POLICE STATION- DINARA, DISTRICT- ROHTAS
 5. DIG VIJAY SAH @ DIG VIJAY PRASAD SAH S/O SRI BHAGWAN SAH R/O VILLAGE BHANPUR, POLICE STATION- DINARA, DISTRICT- ROHTAS

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Chhathu Ram Late Yamuna Ram Resident of village- Bhanpur, P.S.- Dinara , Distt.- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajani Kant Singh
For the Respondent/s	:	Mrs. Usha Kumari 1
For the Informant	:	Mr. Dhaneshwas Prasad Gupta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-02-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the informant.

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 12.1.2020 passed by learned 1st Additional District & Sessions Judge, Rohtas at Sasaram in connection with Dinara P.S. Case No.138/2020, registered under Sections 341, 323, 324, 379, 447, 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.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Appellants are not named in the the F.I.R. itself. There is no specific overt act against any of these appellants to abuse the informant by taking his caste name. The incident took place inside the house not in public view. Hence, no case is made out against the appellants under SC/ST Act. The injuries found upon the victim is simple in nature this fact is also not denied by the learned counsel for the informant. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the informant by taking caste name.

In the facts and circumstances of the case and the fact that injuries found upon the victim is simple in nature which is



also clear from the case diary, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Rohtas at Sasaram in connection with Dinara P.S. Case No.138/2020, 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 allowed.

(Anjani Kumar Sharan, J)

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