

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.690 of 2022**

Arising Out of PS. Case No.-180 Year-2021 Thana- ROSHANGANJ District- Gaya

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1. SANJAY PRASAD @ SANJAY KUMAR Son of Vishun Prasad @ Vishun-deo Prasad Resident of Village- Itwan, P.S.- Raushanganj, District- Gaya.
 2. YADUNANDAN PRASAD @ YADU PRASAD Son of Vishun Prasad @ Vishundeo Prasad Resident of Village- Itwan, P.S.- Raushanganj, District- Gaya.
 3. RAKESH KUMAR Son of Rameshwar Vishwkarma Resident of Village- Itwan, P.S.- Raushanganj, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. SUMITRA DEVI W/o Sanjay Das Resident of Village- Itwan, P.S.- Raushanganj, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 25-01-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Despite valid service of notice, nobody appears on behalf of the respondent no.2.

Learned counsel for the appellants undertakes to remove the defects within four weeks.

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



17.12.2021 passed by learned Special Judge, SC/ST, Gaya arising out of Raushanganj P.S. Case No.180 of 2021, registered under Sections 147, 149, 341, 323, 354, 379, 308, 504 and 506 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution story in short is that the appellants along with other co-accused persons came to the house of the informant and made pressure upon her to cast her vote in favour of their candidate. When she denied for the same, the accused persons assaulted and abused her by taking caste name.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no allegation against the appellants to abuse the informant by taking caste name. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case, 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 the learned Special Judge, SC/ST, Gaya arising out of Raushanganj P.S. Case No.180 of 2021, 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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