

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.958 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- DIDARGANJ District- Patna

-
-
1. Pinku Kumar @ Piku Kumar Son Of Eswar Dayal Singh R/O Vill.- Sonawan, P.S.- Didarganj, Distt.- Patna
 2. Sujeet Kumar Son Of Ramjee Ray R/O Vill.- Sonawan, P.S.- Didarganj, Distt.- Patna
 3. Sanjeev Kumar Son Of Eswae Dayal Singh R/O Vill.- Sonawan, P.S.- Didarganj, Distt.- Patna
 4. Paban Kumar @ Pawan Kumar Son Of Prabhu Dayal Singh R/O Vill.- Sonawan, P.S.- Didarganj, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhaneshwar Ram S.I. Of Didarganj Police Station, Distt.- Patna Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jay Ram Prasad
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 25.05.2023 but nobody appeared on behalf of the respondent no.2.

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 23.01.2023 passed by learned Special Judge, SC/ST, Patna in connection with Didarganj P.S. Case No. 19/2022, registered under Sections 147, 148, 149, 323, 307, 353, 337, 338, 427, 435, 504 and 506 of the Indian Penal Code and Section 3 (i)(r)(s)/3 (ii)(Va) 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. There is general and omnibus allegations levelled against the appellants. There is no allegation against the appellant to abuse the informant by taking his caste name. Therefore, no case under SC/ST Act is made out against the appellants. Similarly situated other co-accused persons have already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 21.06.2023 passed in Cr. Appeal (SJ) No. 2737/2022. 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 respondent no.2/informant by taking caste name.

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 bonds 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, Patna in connection with Didarganj P.S. Case No. 19/2022, 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 allowed.

(Anjani Kumar Sharan, J)

ajay/-

U		T	
---	--	---	--

