

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.995 of 2023**

Arising Out of PS. Case No.-60 Year-2022 Thana- FATEHPUR District- Gaya

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1. Dhirendra Kumar @ Dhirendra Yadav Son Of Kishori Yadav R/V- Gani Pipra, P.S.- Fatehpur, District- Gaya
 2. Dinesh Yadav Son Of Naresh Yadav R/V- Gani Pipra, P.S.- Fatehpur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Shankar Manjhi Son of Late Videshi Manjhi R/v- Gani Pipra, P.S.- Fatehpur, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Mr.Sadanand Paswan

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

4 19-07-2023 Learned counsel for the appellants seeks permission to withdraw this appeal with regard to appellant no. 1.

2. Permission is granted.

3. Accordingly, this appeal with regard to appellant no. 1 is dismissed as withdrawn.

4. Heard learned counsel for the appellant, respondent no. 2 and learned Special Public Prosecutor for the State.

5. 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 bail vide order dated 17.01.2023, passed by learned Exclusive Special Judge (SC/ST



Act), Gaya in connection with Fatehpur P.S. Case No. 60 of 2022, registered under Sections 147, 341, 323, 504, 506, 379 of the IPC and Sections 3(i) (r) (s) of SC/ST Act.

6. Appellant is said to have assaulted the informant and his family members and also abused him by taking caste name.

7. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that the injury found upon the victim is simple in nature. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He submits that the similarly situated co-accused has already been granted bail by this Court vide order dated 04.01.2023 passed in Cr. Appeal (SJ) No. 2395 of 2022. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

8. However, learned counsel for the State and learned counsel for the respondent no. 2 oppose the prayer for bail.

5. 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 the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No. 60 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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