

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.908 of 2023**

Arising Out of PS. Case No.-268 Year-2022 Thana- TEKARI District- Gaya

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1. MANTU KUMAR @ MANTU YADAV SON OF SUDAMA YADAV R/O VILLAGE- SAWASEEN, P.S.- TIKARI, PANCHANPUR, DISTRICT- GAYA
 2. BIRENDRA KUMAR @ BIRENDRA YADAV SON OF LATE MUNARIK YADAV R/O VILLAGE- SAWASEEN, P.S.- TIKARI, PANCHANPUR, DISTRICT- GAYA
 3. BIKKU KUMAR @ VIKKU KUMAR SON OF LATE SURENDRA YADAV R/O VILLAGE- SAWASEEN, P.S.- TIKARI, PANCHANPUR, DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. LAKHIYA DEVI WIFE OF LATE CHANDRADEV PASWAN R/O VILLAGE- SAWASEEN, P.S.- TIKARI, PANCHANPUR, DISTRICT- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

5 12-07-2023 **Re:- I.A. No.1 of 2023**

This interlocutory application has been filed for condoning the delay of 4 days in filing of this appeal.

Considering, the grounds taken in the interlocutory application, the delay in filing of this appeal is hereby condoned.

Accordingly, I.A. No.1/2023 is hereby allowed and disposed of.

Re:- Cr. Appeal (SJ) No.908 of 2023



Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Though vakalatnama is filed on behalf of respondent no.2 but despite repeated calls nobody appears on her behalf today.

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 anticipatory bail vide order dated 20.10.2022, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya, in connection with Tekari (Panchanpur) P.S. Case No.268 of 2022, registered u/s 147, 149, 341, 323, 379, 504, 506 of the IPC, section 3(i)(r)(w)(2)(v-a) of the SC/ST Act.

As per F.I.R., the appellants abused in caste indicative words to the sons of the informant and they assaulted the sons of the informant.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against the appellants to abuse the sons of the



informant by taking their caste name. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, since there is no specific overt act against the appellants to have abused the sons of the informant, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned learned Exclusive Special Judge, SC/ST (POA) Act, Gaya, in connection with Tekari (Panchanpur) P.S. Case No.268 of 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)

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