

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1195 of 2023

Arising Out of PS. Case No.-41 Year-2022 Thana- SC/ST District- Vaishali

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1. AKASH KUMAR Son of Ashok Singh Resident of Village - Akhtiyarpur Petedha, P.S.- Sarai, District - Vaishali.
 2. Suraj Singh Son of Ashok Singh Resident of Village - Akhtiyarpur Petedha, P.S.- Sarai, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Reena Devi Wife of Satendar Paswan Resident of Village - Akhtiyarpur Petedha, P.S.- Sarai, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharmendra Kumar Paswan

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for 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 25.01.2023 passed by learned Special Judge, SC/ST Act, Vaishali at Hajipur in connection with SC/ST P.S. Case No. 41/2022, registered under Sections 147, 148, 149, 341, 323, 354-B, 379, 385, 447, 504 and 506 of the Indian Penal Code and Section 3 (1)(r), 3(1)(s), 3(1)(w)(i)(ii), 3(2)(va) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, all the FIR named accused persons including the appellants abuse the informant by her caste name and assaulted her by means of lathi, danda and fist etc.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. All the injuries found upon the victim is simple in nature. There is no specific overt act against any of these appellants to abuse the informant by taking the caste name and this fact also not denied by learned counsel for the respondent no.2. Similarly situated other co-accused persons has already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 21.06.2023 passed in Cr. Appeal (SJ) No.321/2023. Appellants have got criminal antecedents as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2 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 and the fact



that there is no specific overt act against the appellants, 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 Act, Vaishali at Hajipur in connection with SC/ST P.S. Case No. 41/2022, 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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