

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.935 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- PARAIYA District- Gaya

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RANJAN KUMAR @ RANJAN YADAV Son of Jitendra Yadav R/v-
Boknari, P.S.- Paraiya, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. KANTI DEVI D/o Late Mahesh Paswan R/v- Boknari, P.S.- Paraiya,
District- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur
For the Respondent/s : Mrs. Usha Kumari I

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 22.03.2023, learned
Spl.PP for the State informed the informant about the present
case, but nobody has entered appearance on her behalf.

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
22.01.2023 passed by learned Special Judge, SC/ST, Gaya in
connection with Paraiya P.S. Case No.05 of 2023, registered
under Sections 341, 323, 504, 506/34 of the Indian Penal Code



and Section 3(i) (r) (s), 3 (2) (v)(ix) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellant abused the son of the informant by taking his caste name. On protest, all the accused persons including the appellant assaulted the informant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to enmity and grudge. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellant. He submits that no person was injured in the present case and the learned lower Court has also not mentioned any injury in the impugned order. Appellant has no criminal antecedent as mentioned in para-3 of this 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 appellant, in the event of his 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Gaya in connection with Paraiya P.S. Case No.05 of 2023, 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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