

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.790 of 2022

Arising Out of PS. Case No.-574 Year-2021 Thana- GAYA MUFASIL District- Gaya

GORE LAL @ RAJ NANDAN MAHTO @ RAJ NANDAN VERMA S/o
Tulsi Verma R/o village- Nauranga, P.S.- Muffasil, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sidyarth Rai Ramm S/o Not known Block Pariyojna Prabandhak, Lock Manpur, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Prasad, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-01-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Respondent no.2 is a Government official and is represented by the State. Hence, no notice is required to be issued upon respondent no.2.

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 15.02.2022, passed by learned Exclusive Special Judge, SC/ST, Gaya, in connection with Muffasil P.S. Case No.574 of 2021, registered u/s 143, 341, 323, 353, 332, 427, 504 and 188 of IPC,



section 3 of the Prevention of Damage to Property Act, section 136 of the Representation of people Act and section 3(i)(r)(s) of the SC and ST Act.

As per the prosecution case, all the accused persons came to the Block office for nomination forming a mob and when the police stopped them to enter, they abused the constable Nirmal Chand Paswan by his caste name and damaged the Government properties and also damaged the official papers and made assault.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellant has 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 appellant as there is no specific allegation against him to have abused the informant by taking caste name. Appellant has no criminal antecedent and similarly situated several co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.07.2022 passed in Cr. Appeal (SJ) No.1059 of 2022.

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

Considering the facts and circumstances of the case, since



similarly situated co-accused have been granted bail, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya, in connection with Muffasil P.S. Case No.574 of 2021, 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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