

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1355 of 2023

Arising Out of PS. Case No.-238 Year-2020 Thana- MANJHI District- Saran

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1. Shohel Khan Son Of Hasnayan Khan R/O Village- Katokhar, P.S.- Manjhi, District- Saran
 2. Shekh Amir @ Amir Ansari Son Of Emamuddin Ansari R/O Village- Katokhar, P.S.- Manjhi, District- Saran
 3. Shahil Khan Son Of Hasnayan Khan R/O Village- Katokhar, P.S.- Manjhi, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Binod Kumar Singh Son Of Late Nand Kishor Singh R/O Village- Katokhar, P.S.- Manjhi, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gopal Govind Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 11-10-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Though a *vakalatnama* is being filed on behalf of the respondent no. 2, but nobody appeared on behalf of respondent no. 2.

3. 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 28.03.2022 passed by learned 3rd Additional



Sessions Judge-cum-Special Judge, SC/ST Act, Sharan, in connection with Manjhi P.S. Case No. 238 of 2020 registered under Sections 147, 148, 323, 307, 376, 511 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellants along with other accused persons are said to have tried to outrage the modesty of the daughter of the informant. It is further alleged that the accused persons have abused and assaulted the family members of the informant.

5. Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is no specific overt act against the appellants. He further submits that several similarly situated co-accused persons have been granted anticipatory bail by this Court and co-ordinate Bench of this Court. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.



7. Considering 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sharan, in connection with Manjhi P.S. Case No. 238 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

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