

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1695 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

1. Sonu Kumar S/O- Devan Mahto @ Devnandan Prasad Village- Simraur @ Simrour Ps Nimchak Bathani District Gaya.
2. Raushan Kumar S/O- Devan Mahto @ Devnandan Prasad Village Simraur @ Simrour Ps Nimchak Bathani District Gaya.
3. Karu Kumar @ Priyaranjan Kumar S/O- Devan Mahto @ Devnandan Prasad Village Simraur @ Simrour Ps Nimchak Bathani District Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Mahapati Devi W/O- Naulesh Chaudhary Village Nekpur Ps Nimchak Bathani District Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manisha Prakash
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-06-2023 I.A. No.01 of 2023 has been filed for condonation of
delay of 93 days in filing the instant appeal.

For the reasons stated in I.A. No.01 of 2023, the delay
of 93 days in filing the instant appeal is hereby condoned.

I.A. No.01 of 2023 is allowed.

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

In view of the earlier order dated 19.04.2023, the
informant was informed about her appearance in this case by the
learned Special P.P. for the State, 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 referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 19.10.2022, passed by learned (I/C) Special Judge, SC/ST, Gaya in connection with Nimchak Bathani P.S. Case No.34 of 2022, registered under Sections 147, 341, 323 and 504 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

The appellants are said to have assaulted the informant and her family members causing injuries to them. It is also alleged that the appellants have abused the informant by naming her caste.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that no specific overt act is alleged against the appellants. The allegation against the appellants is general and omnibus. It is submitted that all sections of the Indian Penal Code is bailable and no offence is made out under the SC/ST Act as the occurrence took place in



front of the house of the informant and not in public view.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellants.

Taking into consideration the facts aforesaid, let appellants, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Nimchak Bathani P.S. Case No.34 of 2022, subject to the conditions 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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