

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1780 of 2023

Arising Out of PS. Case No.-176 Year-2022 Thana- WARISNAGAR District- Samastipur

1. Ram Naresh Thakur S/O- Lal Pujari Thakur Resident Of Vill- Rahuwa Ps- Warisnagar Disst- Samastipur
2. Gauri Shankar Son Of Vijay Thakur Resident Of Vill- Rahuwa Ps- Warisnagar Disst- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kala Devi wife of Fekan Paswan Village- Rahuwa Ps- Warisnagar Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 26.07.2023, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

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 28.02.2023 passed by learned Special Judge
SC/ST (POA) Act, Samastipur, in connection with Warisnagar



P.S. Case No. 176 of 2022 registered under Sections 147, 148, 341, 342, 323, 435, 354, 504, 506 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 co-accused persons are said to have assaulted and abused the informant by taking his caste name.

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 appellants. He submits that there is no specific overt act against the appellants. Similarly situated co-accused have been granted anticipatory by a Co-ordinate Bench of this Court vide order dated 30.11.2022 passed in Cr. Appeal (SJ) No. 2719 of 2022. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

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

7. Considering the facts and circumstances of the case, 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 Special Judge SC/ST (POA) Act, Samastipur, in connection with Warisnagar P.S. Case No. 176 of 2022, 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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