

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1664 of 2023

Arising Out of PS. Case No.-7 Year-2022 Thana- SC/ST District- Aurangabad

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Randheer Kumar Son Of Ram Pravesh Singh Resident Of Village - Ahiya Pur,
P.S. - Haspura, Distt. - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandeshwari Devi Wife Of Ganishi Ram Resident Of Village - Ahiya Pur,
P.S. - Haspura, Distt. - Aurangabad

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bindeshwar Prasad Singh
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

2. Office has pointed out that the notice has been
validly served upon 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 20.07.2022 passed by learned 1st Addl. District
& Sessions Judge-cum-Special Judge (SC/ST) Aurangabad, in
connection with Aurangabad SC/ST P.S. Case No. 07 of 2022
registered under Sections 147, 148, 149, 341, 323, 324, 325,



307, 379, 354(B), 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i)/ 3(2)(va) 3(z)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the allegation against all the F.I.R. named accused persons including the appellant is of assaulting, outraging the modesty of the female members' of the informant side and abusing by calling caste name.

5. Learned counsel for the appellant submits that the appellant has not 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. There is no specific overt act against the appellant. Similar situated co-accused has been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Appeal (SJ) No. 3029 of 2022 and vide order dated 27.04.2023 passed in Cr. Appeal (SJ) No. 4104 of 2022. Appellant has 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



appellant, 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 enlarged 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 learned 1st Addl. District & Sessions Judge-cum-Special Judge (SC/ST) Aurangabad, in connection with Aurangabad SC/ST P.S. Case No. 07 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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