

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1770 of 2023

Arising Out of PS. Case No.-1399 Year-2022 Thana- DANAPUR District- Patna

-
-
1. Mukklu @ Muku @ Muklu @ Mukesh Kumar S/O Naresh Prasad Resident Of Village- Mainpura, Bank Of India Gali, P.S.- Danapur, District- Patna.
 2. Jitendra Kumar Yadav @ Jitendra Kumar S/O Jagmohan Rai Resident Of Village- Mainpura, Bank Of India Gali, P.S.- Danapur, District- Patna.
 3. Baigan @ Satyendra Kumar S/O Jagmohan Rai Resident Of Village- Mainpura, Bank Of India Gali, P.S.- Danapur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhash Kumar S/O Ram Pravesh Ram Resident Of Village- Mainpura, P.S.- Danapur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Akhauri Kamal Kishore Sahay
For the Respondent/s	:	Mr. Sadanand Paswan
	:	Mr. Rajendra Prasad Sah

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

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 23.02.2023 passed by learned Exclusive Special Judge SC/ST Act, Patna in connection with Special Case No. 393/2022 arising out of Danapur P.S. Case No. 1399/2022, registered under Sections 341, 323 and 504/34 of the Indian



Penal Code and Section 3 (i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegation against the appellants to abuse the informant by taking the caste name. The injury found upon the informant is simple in nature. The matter is now been compromised between the parties. Appellant no.2 has got no criminal antecedent, appellant no.1 has got two criminal antecedents and appellant no.3 has got one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

In 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 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 Act, Patna in connection with Special Case No. 393/2022 arising out of Danapur P.S. Case No. 1399/2022,



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)

ajay/-

U		T	
---	--	---	--

