

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1366 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- KHIRI MORE District- Patna

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1. Sushil Sharma @ Shushil Kumar Son Of Bradraj Sharma Resident Of Village - Raghunathpur, P.S. - Khirimore, District - Patna.
 2. Gautam Sharma @ Gautam Kumar Son Of Bradraj Sharma Resident Of Village - Raghunathpur, P.S. - Khirimore, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rina Devi wife of Rajesh Paswan Resident of Village - Raghunathpur, P.S. - Khirimore, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-03-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl. PP for the State, in compliance of order dated 15.02.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

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 31.03.2022 passed by learned Special Judge, SC/ST, Patna, in connection with Khirimore P.S. Case No. 09



of 2022 registered under Sections 341, 323, 354(B), 307, 504 and 34 the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, it appears that the allegation is of misbehaving with the informant and other female members. When they objected, the appellants assaulted them and thereafter tried to outrage their modesty and also hurled abused by saying their caste name.

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, therefore, no offence under Section SC/ST Act is made out against the appellant. He submits that the appellants are falsely been implicated in the present case. He further submits that no injury was found on the informant as in the entire case diary no injury report is enclosed by the Investigating Officer. Appellants have got one criminal antecedent as mentioned in para-3 of memo of the appeal.

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



Considering the facts and circumstances of the case and the fact there is no specific allegation against the appellants of abusing by taking his caste name, 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, Patna, in connection with Khirimore P.S. Case No. 09 of 2022, Special Case No. 27 of 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)

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