

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1784 of 2023**

Arising Out of PS. Case No.-252 Year-2022 Thana- BARACHATTI District- Gaya

Vikash Raut @ Vikash Kumar Sinha @ Vikash Ranjan Sinha S/O Vijay Kumar Rao @ Bechan Raut Resident Of Village- Amarut, P.S.- Dovi, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kesari Devi W/O Suresh Kumar Resident Of Village- Mahkampur, P.S.- Barachatti, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Awadhesh Kumar Mishra
		Mr. Ajay Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 20-12-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 18.10.2023, he has informed the informant/complainant but none is present on his/her behalf.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 16.01.2023, passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Barachatti P.S. Case No. 252 of 2022, registered under Sections 147, 148, 149, 323, 324, 325,



354(B), 307, 504, 506/34 of the IPC and Sections 3(i) (r) (S) (w) of SC/ST Act.

4. Appellant along with other accused persons are said to have abused the informant by taking caste name and also assaulted him by means of lathi, danda and fists.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He submits that there is compromise in between the parties. He submits that the similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 16.11.2022 passed in Cr. APP (SJ) No. 2215 of 2022. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

6. Considering the facts and circumstances of the case, 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 the



learned Exclusive Special Judge, SC/ST Gaya in connection with Barachatti P.S. Case No. 252 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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