

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1864 of 2023

Arising Out of PS. Case No.-396 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

SURAJ KUMAR Son of Dilip Singh Resident of village - Badki Babhani,
Police Station - Magadh University, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyam Ranjan Paswan Son of Karu Paswan Resident of village - Badki Babhani, Police Station - Magadh University, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and 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 13.02.2023 passed by learned Exclusive Special Judge SC/ST, Gaya, in connection with Magadh University P.S. Case No. 396 of 2022 registered under Sections 147, 148, 149, 427, 341, 323, 447 and 379 of the Indian Penal Code and Section 3(i)(r)(s)/3(v-a) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

The appellant along with other accused persons are said to have abused and assaulted the informant.

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. There is specific allegation against Deepak Kumar, who abused the informant by taking his caste name. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State and learned counsel for the respondent no. 2 opposed payer for bail and submitted that the appellant abuses the respondent no. 2/informant by taking caste name.

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 learned



Exclusive Special Judge SC/ST, Gaya, in connection with
Magadh University P.S. Case No. 396 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)

anand/-

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