

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1853 of 2023**

Arising Out of PS. Case No.-68 Year-2017 Thana- KOTHI District- Gaya

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1. Adil Rashid Khan @ Ajmeri Khan Son Of Late Kalimul Rahman Khan Resident Of Village - Basoora Belwar, P.S.- Kothi, District - Gaya
 2. Gulam Shaqlain Khan Son Of Late Kalimul Rahman Khan Resident Of Village - Basoora Belwar, P.S.- Kothi, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Suresh Bhuian Son of Late Kapil Bhuian Resident of Village - Chapri, P.S.- Imamganj, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar
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 appellants and learned
Special Public Prosecutor for the State.

Learned Spl. PP for the State, in compliance of order dated 03.05.2023, 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 16.03.2023 passed by learned Special Judge SC/ST, Gaya, in connection with Kothi P.S. Case No. 68 of



2017 registered under Sections 341, 323, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act.

The allegation against the appellants is that they have abused the informant by taking his 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. Hence, no offence under Section SC/ST Act is made out against the appellant. There is no specific overt act against the appellants. He submits that there is no injury report of the informant either in the case diary or on record. Appellants have got no 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, 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, Gaya, in connection with Kothi P.S. Case No. 68 of 2017, 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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