

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1911 of 2023**

Arising Out of PS. Case No.-100 Year-2022 Thana- ATRI District- Gaya

MANISH KUMAR Son of Bodh Yadav, Resident of Nanhu Bigha, P.S.- Atari,
District – Gaya. Appellant/s

Versus

1. The State of Bihar
2. Shanti Devi Wife of Rajendra Paswan, Resident of Village - Nanka Bigha,
P.S.- Atrari, District – Gaya. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 08-05-2023 Heard learned counsel for the appellant as well as the
learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 25.03.2023 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Atri P.S. Case No. 100/2022, registered for offence punishable under sections 341, 308, 504, 506/34 of the Indian Penal Code and section 3(i)(r)(s)/3(2)(v-a) of the SC/ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.

The minor children when, on the occasion of Holi were playing, some altercation took place between the parties. As per allegation, the appellant and other accused persons



assaulted the informant and her family members and also abused her by calling her caste name.

The learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. He is under custody since 28.02.2023. The occurrence took place while some quarrelling between the children and it cannot be said to be originated due to malicious feeling of caste.

On the other hand, the learned Special Public Prosecutor has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances as well as clean antecedent of the appellant and period of incarceration, the appeal is allowed and the impugned order dated 25.03.2023 is set aside.

Accordingly, the appellant is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Atri P.S. Case No. 100/2022.

(Nawneet Kumar Pandey, J)

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