

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1946 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- SHERGHATI District- Gaya

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1. RAVI YADAV @ RAVI KUMAR S/O NANDAN YADAV Resident of Village- Nawadih, P.S.- Sherghati (Dhobi), District- Gaya.
 2. AVINASH YADAV @ ANINASH KUMAR S/O LATE BALESHWAR YADAV Resident of Village- Nawadih, P.S.- Sherghati (Dhobi), District- Gaya.
 3. RUPU YADAV @ RUPU KUMAR S/O LAKHAN YADAV Resident of Village- Nawadih, P.S.- Sherghati (Dhobi), District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RANJIT MAHJHI S/O SURESH MANJHI Resident of Village- Nawadih, P.S.- Sherghati (Dhobi), District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Tej Narayan Singh
For the Respondent/s	:	Mr. Sadanand Paswan Mr. Kamal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-10-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

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 23.03.2023 passed by learned Court of the Exclusive Special Judge, SC/ST Gaya in connection with



Sherghati (Dobhi) P.S. Case No.134 of 2023, registered under Sections 379, 504 and other allied Sections of the Indian Penal Code and Section 3(I) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellants is that they abused the informant by taking his caste name and also assaulted him and took Rs.200/- from his pocket.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He further submits that there is no specific overt act against the appellants. He further submits that no person was injured in the present occurrence, which itself falsifies the genuineness of the present case. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail. It is submitted by the learned counsel for the respondent no.2 that there is a specific allegation against the appellants to abuse the informant by taking caste name in a public place.



6. Having regards to the facts and circumstances of the case as well as considering that there is a specific allegation against the appellants to abuse the informant by taking caste name, I am not inclined to enlarge them on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. Accordingly, this appeal stands dismissed.

8. However, if the appellants surrender before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law considering that no person was injured in the present case.

(Anjani Kumar Sharan, J)

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