

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1962 of 2023**

Arising Out of PS. Case No.-18 Year-2023 Thana- VISHNUPAD District- Gaya

Sonu Kumar @ Sonu Raut @ Soni Son Of Amka Raut @ Ambika Raut
Resident Of Mohalla Khawa Gali, Chand Choura, Ps Vishnupad District Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Shivam Kumar Son Of Dilip Kumar Resident Of Village- Mangla Gouri, Ps-
Vishnupad , Distt- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kr. Sinha
For the Respondent/s : Ms. Usha Kumari 1

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

3 28-06-2023 Heard learned counsel for the appellant 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 26.03.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya, in connection with Vishnupad P.S. Case No. 18 of 2023 registered under Sections 341, 323, 308,



379, 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.

The appellant along with other accused persons is said to have abused and assaulted the informant with the butt of revolver.

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 Sunny Kumar, who assaulted the informant. He submits that the appellant has filed a case against the informant, thereafter, the present case is being filed by the informant. Appellant has 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 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 Vishnupad P.S. Case No. 18 of 2023, 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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