

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2032 of 2023

Arising Out of PS. Case No.-116 Year-2019 Thana- GURUA District- Gaya

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1. MANOJ PRASAD son of Jagdish Mahto Village- Naser PS- Gurua Dist- Gaya
 2. Ram Nandan Prasad son of Jagdish Mahto Village- Naser PS- Gurua Dist- Gaya
 3. Sangeet Prasad son of Jagdish Mahto Village- Naser PS- Gurua Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ganesh Paswan son of Kameshwar Paswan Village- Naser Po- Gurua Ps- Gurua Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Saxena, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** *vide* order dated 16.03.2023 in A.B.P. No. 64 of 2023 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Gurua P.S. Case No. 116 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 504, 506, 324, 447 and 448 of the Indian Penal Code as well as



Sections 3(1)(r) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that the accused persons along with Nitish came variously armed and assaulted his family members and threatened to kill entire family members.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that no specific overt act has been alleged against any of the appellants and the allegations are general and omnibus in nature and even presuming what has been alleged is it true, without admitting, then the entire occurrence took place at the house of the informant and thus was not in public view.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 16.03.2023 in A.B.P. No. 64 of 2023 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Gurua P.S. Case No. 116 of 2019 is hereby set aside and the appellants above-



named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gurua P.S. Case No. 116 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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