

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2118 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- MALI District- Aurangabad

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1. VIVEK KUMAR SINGH SON OF LATE NARESH SINGH Resident of Village Jaihind Tenduwa, P.S. Mali, District-Aurangabad(Bihar)
 2. ANIRUDH SINGH SON OF LATE LALDEEP SINGH Resident of Village Jaihind Tenduwa, P.S. Mali, District-Aurangabad(Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. KAUSHLENDRA KUMAR SON OF SRI SURESH MISTRY Resident of village P.O. Jaihind Tanuwa P.S. Mali, District Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Although a vakalatnama is on record on behalf of respondent no.2, but none is present on his behalf.

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 10.04.2023 passed by learned 1st Additional Sessions Judge, Aurangabad in connection with Mali P.S. Case No. 23 of 2023 registered under Sections 341, 323, 504 &



506/34 of the Indian Penal Code and Section 3(1) (r) (s) /3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellants is of abusing the informant and his family members by taking his caste name due to dispute of drainage.

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. Slating the informant in the name of caste is said to have been made inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellants. Informant has not sustained any injury and there is no injury report on record. 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 appellants. Appellants have no criminal antecedent.

5. Learned Special Public Prosecutor for the State opposed the prayer for bail.

6. In the facts and circumstances of the case, 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 released 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 the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Mali P.S. Case No.23/2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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