

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2132 of 2023**

Arising Out of PS. Case No.-113 Year-2020 Thana- RASULPUR District- Saran

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1. Rameshwar Chaubey Son Of Late Pundeo Chaubey Village- Atarsan Ps- Rasulpur Dist- Saran At Chhapra
 2. Kanhaiya Chaubey @ Kanhaiyadhar Chaubey Son Of Late Ramadhar Chaubey Village- Atarsan Ps- Rasulpur Dist- Saran At Chhapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Kusum Kunwar wife of Late Kamlesh Ram Village- Atarsan Ps- Rasulpur Dist- Saran at Chhapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha
For the Respondent/s : Mr. Binay Krishna

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

4 01-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 30.08.2023, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

3. 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 27.03.2023 passed by learned Additional



Sessions Judge 3rd cum Special Judge SC/ST/MP/MLA, Saran at Chapra, in connection with Rasulpur P.S. Case No. 113 of 2020 registered under Sections 147, 149, 504, 325, 379, 354, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, allegation against the appellants is that they along with other co-accused persons have abused and assaulted the informant.

5. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. He submits that there is case and counter case between the parties. He further submits that there is compromise between the parties, a copy of the compromise cum permission petition is enclosed as Annexure-3 to the memo of the appeal. Appellants no. 1 and 2 have got one antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for bail and submits that the appellants abused the respondent no. 2/informant by taking caste name.

7. Considering the facts and circumstances of the



case, let 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 enlarged 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 learned Additional Sessions Judge 3rd cum Special Judge SC/ST/MP/MLA, Saran at Chapra, in connection with Rasulpur P.S. Case No. 113 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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