

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2198 of 2023

Arising Out of PS. Case No.-111 Year-2018 Thana- DEV District- Aurangabad

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1. Sunil Sao @ Sunil Kumar Gupta Son Of Late Narsh Sao Resident Of Village-Tanduwa, Ps-Mali, Dist-Aurangabad.
 2. Munna Sao @ Saryu Prasad Son Of Late Dhanusdhari Sao Resident Of Village-Diwan Bigha , Ps-Deo , Dist-Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Abhishek Kumar Son Of Ram Sawroop Choudhary Resident Of Village-Diwan Bigha , Ps-Deo, Dist-Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh

For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-08-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 02.08.2023, he has informed the informant/complainant but none is present on his/her behalf.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 18.04.2023, passed by learned Special Judge (SC/ST) cum 1st Additional District and Sessions Judge, Aurangabad in



connection with Deo P.S. Case No. 111 of 2018, registered under Sections 364, 511 of the IPC and Sections 3(ii) (R) of SC/ST Act.

4. Appellants are said to have abused the informant and also assaulted him.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

6. 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 the learned Special Judge (SC/ST) cum 1st Additional District and Sessions Judge, Aurangabad in connection with Deo P.S. Case No. 111 of 2018, 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
the appeal is allowed.

(Anjani Kumar Sharan, J)

devendra/-

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