

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2199 of 2023

Arising Out of PS. Case No.-171 Year-2022 Thana- ALIPUR District- Gaya

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1. PRIYADARSHAN KUMAR Son of Ramadhar Singh Resident of village - Ulle, P.S. - Alipur, Distt. - Gaya
 2. Bittu Kumar @ Bitu Kumar @ Vivekanand Son of Vijay Sharma Resident of village - Ulle, P.S. - Alipur, Distt. - Gaya
 3. Manish Kumar Son of Sanjay Sharma Resident of village - Ulle, P.S. - Alipur, Distt. - Gaya
 4. Kaushlendra Kumar Son of Janardan Sharma Resident of village - Ulle, P.S. - Alipur, Distt. - Gaya
 5. Ravindra Kumar Son of Bachchu Singh Resident of village - Ulle, P.S. - Alipur, Distt. - Gaya
 6. Ankit Kumar Son of Anjay Sharma Resident of village - Ulle, P.S. - Alipur, Distt. - Gaya
 7. Mukesh Kumar Son of Ram Narayan Singh Resident of village - Ulle, P.S. - Alipur, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Meena Devi Wife of Shankar Chaudhary Resident of village - Shahganj, P.S. - Konch, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivendra Prasad, Advocate
For the Informant	:	Mr. Vishwa Ranjan Choudhari, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 15-12-2023 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated 17.03.2023 passed by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 53 of 2023 arising out of Alipur P.S. Case No. 171 of 2022 dated 12.12.2022 registered for the offence/s punishable u/ss 147, 149, 341, 342, 323 and 302 of the Indian Penal Code and sections 3(i)(r)(2)(va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have assaulted the informant's husband on the presumption of thief due to that he died.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellants. Learned counsel has further submitted that the occurrence took place in another village so there is no eyewitness to the alleged occurrence. Learned counsel has further submitted that as per FIR, the caste name was not disclosed by anyone at the time alleged occurrence. Learned counsel has further submitted that no specific caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellants have no criminal antecedents as stated at para 3 of the bail petition.



5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 17.03.2023 passed by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 53 of 2023 arising out of Alipur P.S. Case No. 171 of 2022, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 53 of 2023 arising out of Alipur P.S. Case No. 171 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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