

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2042 of 2022**

Arising Out of PS. Case No.-197 Year-2021 Thana- GAYA MUFASIL District- Gaya

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SANJAY PRASAD @ SANJAY KUMAR Son of Suresh Prasad Resident of
village - Lakhanpur, P.S.- Muffasil, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Das Son of Late Ram Tahal Das Resident of village - Lakhanpur,
P.S.- Muffasil, District - Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shailesh Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

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

7 28-06-2023 **Re:- I.A. No.1 of 2022**

This interlocutory application has been filed for
condoning the delay of 189 days in filing this appeal.

In view of the order dated 10.01.2022 passed by the
Hon'ble Apex Court in Miscellaneous Application No. 21
of 2022 and considering the grounds taken in the
interlocutory application, the delay in filing this appeal is
hereby condoned.

Accordingly, I.A. No. 1/2022 is hereby allowed.

Re:- Cr.APP (SJ) No. 2042 of 2022

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.



Notice has been issued to the informant in the limitation petition but it was received by mother of the informant. Therefore, learned counsel for the appellant has filed a jointness petition, as both the appellant and his mother are residing together.

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 15.07.2021 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Muffasil P.S. Case No. 197 of 2021 registered under Sections 147, 148, 149, 341, 323, 324, 307, 354, 379, 427, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellant along with other accused persons came to the informant and started abusing by using indicative words. They also assaulted him and his family members.

It is submitted by learned counsel for the appellant



that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. 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. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, as there is no specific overt act against the appellant, the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned



Exclusive Special Judge (SC/ST Act), Gaya in connection with Muffasil P.S. Case No. 197 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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