

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2486 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- TARAIIYA District- Saran

-
1. Ajeet Kumar Singh Son Of Akhilesh Singh Village- Rampur Kesho, Ps- Taraiya Dist- Saran
 2. Mukul Singh @ Mukul Kumar Singh Son Of Dinesh Singh Village- Rampur Kesho, Ps- Taraiya Dist- Saran
 3. Pankaj Kumar Singh Son Of Ramayan Singh Village- Rampur Kesho, Ps- Taraiya Dist- Saran
 4. Rahul Singh @ Ankit Kumar Singh @ Rahul Kumar Singh Son Of Rajdeo Singh Village- Rampur Kesho, Ps- Taraiya Dist- Saran
 5. Rohit Kumar Son Of Mohan Prasad Village- Rampur Kesho, Ps- Taraiya Dist- Saran
 6. Shrawan Prasad @ Shrawan Kumar Son Of Mohan Prasad Village- Rampur Kesho, Ps- Taraiya Dist- Saran
 7. Bechu Sah @ Rama Shankar Sah Son Of Baijnath Sah Village- Rampur Kesho, Ps- Taraiya Dist- Saran
 8. Jhunnu Prasad @ Chatu Prasad Son Of Badri Prasad Village- Rampur Kesho, Ps- Taraiya Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Nand Kishor Manjhi son of Late Indra Dev Manjhi Village- Rampur Kesho, Ps- Taraiya Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-08-2023 Heard learned counsel for the appellants, learned

Special Public Prosecutor for the State and learned counsel for

respondent no. 2.

2. Learned counsel for the appellants seeks

permission to withdraw this application with regard to



appellants no. 7 and 8 submitting that during pendency of this application the petitioner has already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application with regard to appellants no. 7 and 8 is dismissed as withdrawn.

5. Now, this application is being heard only with regard to appellants no. 1 to 6.

6. Heard learned counsel for the appellants, learned Spl. PP for the State and learned counsel for the respondent no. 2.

7. 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 13.04.2023 passed by learned Court of Addl. Sessions Judge 3rd Saran at Chapra, in connection with Taraiya P.S. Case No. 19 of 2023 registered under Sections 147, 148, 149, 341, 323, 324, 325, 354, 379, 504, 506, of the Indian Penal Code and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

8. Allegation against the appellants is they have



abused and assaulted the informant and his family members.

9. Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. 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. He submits that there is case and counter case between the parties and both sides have sustained injuries. He further submits that the occurrence has not taken place in the public place. Appellants have got no criminal antecedent as mentioned in para-3 of memo of the appeal.

10. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed payer for bail and submitted that the appellants abused the respondent no. 2/informant by taking caste name.

11. 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 Court of Addl. Sessions Judge 3rd Saran at Chapra, in



connection with Taraiya P.S. Case No. 19 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

