

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2519 of 2023

Arising Out of PS. Case No.-115 Year-2022 Thana- KHIRI MORE District- Patna

1. Shivlal Thakur Son Of Banbur Thakur Resident Of Village- Kodihara, Ps- Khirimore, District- Patna
2. Gaurav Kumar Son Of Shivlal Thakur Resident Of Village- Kodihara, Ps- Khirimore, District- Patna
3. Sonu Thakur @ Sonu Kumar Son Of Shivlal Thakur Resident Of Village- Kodihara, Ps- Khirimore, District- Patna
4. Shubham Kumari Daughter Of Shivlal Thakur Resident Of Village- Kodihara, Ps- Khirimore, District- Patna
5. Khusbu Kumari Daughter Of Shivlal Thakur Resident Of Village- Kodihara, Ps- Khirimore, District- Patna
6. Pushpa Kumari @ Aradhana Kumari Daughter Of Shivlal Thakur Resident Of Village- Kodihara, Ps- Khirimore, District- Patna
7. Geeta Devi @ Kanti Devi Wife Of Dilip Thakur Resident Of Village- Kodihara, Ps- Khirimore, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lalita Devi Wife of Tiju Paswan Resident of Village- Kodihara, PS- Khirimore, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Akhauri Kamal Kishore Sahay
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 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 06.02.2023 passed by learned Exclusive Special Court SC/ST Act, Patna, in connection with Khirimore P.S. Case No. 115 of 2022 registered under Sections 341, 323, 354(B), 379 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) 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 accused persons have 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. There is no specific overt act against the appellants. He submits that there is case and counter case between the parties and both sides have sustained injury and the injury was found simple in nature. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.



6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering the facts and circumstances of the case and the nature of the injury, 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 Exclusive Special Court SC/ST Act, Patna, in connection with Khirimore P.S. Case No. 115 of 2022, 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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