

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2567 of 2023

Arising Out of PS. Case No.-186 Year-2023 Thana- CIVIL LINE District- Gaya

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1. Deepak Kumar Son Of Kaushal Kishore Singh Resident Of Village - Tepa, P.S. - Tekari, Distt. - Gaya
 2. Rajesh Kumar @ Rajesh Kumar Singh Son Of Sita Ram Singh Resident Of Village - Tepa, P.S. - Tekari, Distt. - Gaya
 3. Kaushal Kishore Singh @ Kaushal Singh Son Of Brijnandan Singh Resident Of Village - Tepa, P.S. - Tekari, Distt. - Gaya
 4. Gunjan Kumar @ Gunjan Singh Son Of Late Brij Kishor Singh Resident Of Village - Tepa, P.S. - Tekari, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Mandal Son of Shri Lothu Mandal Resident of village - Tetaria, P.S. - Sherghati, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2
For the Respondent/s : Mr. Sadanand Paswan

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 Spl. PP for the State, in compliance of
order dated 02.08.2023, 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 24.04.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya, in connection with Civil Line P.S. Case No. 186 of 2023 registered under Sections 341, 323, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellants along with other accused persons are said to have abused and 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 Section SC/ST Act is made out against the appellants. He submits that the occurrence took place on 28.02.2023 and the F.I.R. was lodged on 16.03.2023 after delay of more than 15 days and there is explanation regarding the delay, which creates serious doubt on the prosecution case. He further submits that there is no specific overt act against the appellants. Appellant no. 1 has two criminal antecedent and appellants no. 2, 3, and 4 have got one criminal antecedent as mentioned in para-3 of memo of the appeal.



6. Learned Spl. PP for the State opposes payer for bail and submits that the appellants abused the respondent no. 2/informant by taking caste name.

7. 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 Exclusive Special Judge, SC/ST, Gaya, in connection with Civil Line P.S. Case No. 186 of 2023, 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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