

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2876 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- PARSABAZAR District- Patna

-
1. SUNIL KUMAR @ SUNIL PRASAD SON OF SRI YOGENDRA PRASAD RESIDENT OF VILLAGE-KHAIRATALI NAHAR PAR, PS-PARSABAZAR,DISTT- PATNA
 2. RAJU KUMAR @ RAJU RANJAN SON OF SRI RAMESH PRASAD RESIDENT OF VILLAGE-KHAIRATALI NAHAR PAR, PS-PARSABAZAR,DISTT- PATNA
 3. SUJEET KUMAR SON OF SRI YOGENDRA PRASAD RESIDENT OF VILLAGE-KHAIRATALI NAHAR PAR, PS-PARSABAZAR,DISTT- PATNA
 4. RAJA KUMAR @ RAJA KUMAR VERMA SON OF SRI RAMESH KUMAR @ RAMESH PRASAD RESIDENT OF VILLAGE-KHAIRATALI NAHAR PAR, PS-PARSABAZAR,DISTT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. LALO DEVI WIFE OF SRI JUGAL MOCHI RESIDENT OF VILLAGE-KHAIRATALI NAHAR PAR, PS-PARSABAZAR,DISTT- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Murari Prasad Sinha
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Binay Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-08-2023 Heard the parties.

2. 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 03.06.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with Parsabazar



P.S. Case No.108 of 2023, registered under Sections 307 and other allied Sections of the Indian Penal Code and Section 3(i)(r)(s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants and other co-accused persons assaulted the informant's side and also abused them by taking caste name.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellants. He further submits that the parties have compromised. Appellant no.1 has three criminal antecedents whereas the rest of the appellants have no criminal antecedents.

5. Learned counsel for the respondent no.2 fairly supported the plea of the learned counsel for the appellants that the parties have compromised.



6. In 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 the learned Exclusive Special Court, SC/ST Act, Patna in connection with Parsabazar P.S. Case No.108 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

shikha/-

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

