

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2395 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- FATEHPUR District- Gaya

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1. SHANTI DEVI W/o Baleshwar Yadav R/o Village - Gani Pipra, P.S.- Fatehpur, District - Gaya.
 2. Sujata Devi @ Sujata Kumari Wife of Pappu Yadav R/o Village - Gani Pipra, P.S.- Fatehpur, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shankar Manjhi Son of Late Videshi Manjhi Resident of Ghanipepra, P.S.- Fatehpur, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-01-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned Spl. PP for the State informed this Court that he informed the respondent no.2 about the present case through the S.P., but nobody appeared on behalf of the respondent no.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 18.05.2022 passed by learned Exclusive Special Judge SC/ST (POA) Act, Gaya in connection with Fatehpur P.S. Case No.60



of 2022, registered under Sections 147, 341, 323, 504, 506, 379 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they alongwith other co-accused persons abused and assaulted the informant due to which he sustained injuries. The accused persons also assaulted the wife and children of the informant and threatened to kill them.

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. There is no specific allegation against the appellants to abuse the informant by taking caste name. He further submits that no person got injured in the alleged occurrence. Appellants have no criminal antecedent as mentioned in para-3 of 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 appellants, 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 Judge SC/ST (POA) Act, Gaya in connection with Fatehpur P.S. Case No.60 of 2022, 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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