

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2934 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- PARAIYA District- Gaya

ANJAN KUMAR @ ANJAN SINGH son of Late Lala Singh @ Lalan Singh
Village- Kasthua Ps- Paraiya Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra Kumar son of Raj Kumar Paswan Village- Kasthua Ps- Paraiya Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Udbhav
For the State	:	Ms. Usha Kumari 1
For the Respondent no.2:	:	Mr. Mrigendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-11-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

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 02.05.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya, in connection with Paraiya P.S. Case No. 52 of 2023 registered under Sections 341, 323, 504/34 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.

3. As per the prosecution case, allegation against the appellant is that he along with other co-accused persons abused and assaulted the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He submits that the allegation against co-accused Sonu Singh is of abusing the informant by taking his caste name. He further submits that the allegation against co-accused Gautam Singh is of abusing and assaulting the informant. He also submits that, from perusal of the F.I.R., it is clear that the occurrence took place inside the house, therefore, no offence under Section SC/ST Act is made out against the appellant. Appellant has got one antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State and learned counsel for the respondent no. 2 opposed payer for bail and submitted that the appellant is also involved in the present case.

6. Considering the facts and circumstances of the case, arguments of the parties, perusal of the records and the fact that the occurrence took place inside the house, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, in connection with Paraiya P.S. Case No. 52 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)

anand/-

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