

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2964 of 2023

Arising Out of PS. Case No.-238 Year-2023 Thana- AGAMKUAN District- Patna

1. KALICHARAN @ KALIYA Son of Late Ishwar Mahto Resident of Mohalla - Koiri Tola, Kumhrar, P.S.- Agamkuan, District - Patna.
2. Bhola Kumar @ Chandra Dev Kumar Son of Late Law Mahto Resident of Mohalla - Koiri Tola, Kumhrar, P.S.- Agamkuan, District - Patna.
3. Golu Kumar @ Golu Raj Son of Kusi Mahto Resident of Mohalla - Koiri Tola, Kumhrar, P.S.- Agamkuan, District - Patna.
4. Aditya Dada @ Aditya Son of Pintu Kumar Resident of Mohalla - Koiri Tola, Kumhrar, P.S.- Agamkuan, District - Patna.

... .. Appellants.

Versus

1. The State of Bihar
2. Manoj Kumar, son of Lala Ram, resident of Kushwahapan Chayat Bhawan, Shiv Mandir Lane, Kumhrar, P.S. Agamkuan, District Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amaresh Kumar, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2:	:	Mr. Bijay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-11-2023 Perused the office notes.

2. Learned counsel for the appellants submits that he has removed all the defect (s) by filing supplementary affidavit.

3. Although this appeal has been listed under the heading 'For Order (On Office Notes)' but with consent of all the parties it has been heard for final disposal at this stage itself.

4. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

5. 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 07.06.2023 passed by learned Additional Sessions Judge cum Special Judge (SC/ST Act), Patna in connection with Special Case No.88 of 2023, arising out Agamkuan P.S. Case No. 238 of 2023, registered under Sections 341, 323, 290, 337, 379 and 504/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. All the appellants inebriated condition are said to have come to the house of the informant, abused him in the name of his caste and also assaulted the brother of the informant.

7. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. It is further submitted that a compromise has entered into between the parties and the matter has been settled out of court and the said compromise petition has been



annexed as Annexure-3 to this appeal. Appellant nos.1, 3 and 4 have no criminal antecedent, whereas appellant no.2 has one criminal antecedent as mentioned in para-3 of memo of appeal.

8. Learned counsel for the respondent no.2 concedes to the aforesaid compromise petition and submits that he has no objection in granting anticipatory bail to the appellants.

9. 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 Addl. Sessions Judge cum Special Judge (SC/ST Act), Patna in connection with Agamkuan P.S. Case No.238 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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