

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3008 of 2023

Arising Out of PS. Case No.-294 Year-2023 Thana- SHERGHATI District- Gaya

AWADHESH SINGH @ AWADHESH KUMAR SINGH Son of Late
Rambarat Singh Resident of Mansa Bigha (Bar), P.S.- Sherghaty, District -
Gaya

... .. Appellant/s

Versus

1. The State of Bihar.
2. Soni Devi Wife of Chhotu Chaudhary Resident of village - Mansa Bigha
Tola Najirdih, P.O.- Bar Hussainganj, P.S.- Sherghaty, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nand Kishore Prasad Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Awadhesh Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 15-12-2023 Heard learned counsel for the appellant, learned
counsel for the respondent no.2 and learned Spl.P.P. for the
State.

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 for anticipatory
bail of the appellant vide order dated 06.05.2023 passed by
the learned Exclusive Special Judge, SC/ST, Gaya in
connection with A.B.P. No. 142 of 2023 (arising out of



Sherghati P.S. Case No. 294 of 2023) registered for the alleged offences under Sections 341, 323, 504, 506, 385 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the informant has been given the amount from the office of the Block (Prakhand) for constructing of house under the Pradhan Mantri Scheme but in the meanwhile, the appellant is alleged to have demanded Rs. 20,000/- and on denial of same she was assaulted by calling her caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and have been falsely implicated in this case. The appellant is not named in the F.I.R. There is general and omnibus allegation against the appellant. It is further submitted that the injury is simple in nature. Learned counsel has further submitted that there is no allegation of hurling of caste related abuse at the informant and his family members by the appellant. It is further submitted that as per the F.I.R., no member of public was present at the relevant point of time of the alleged incident, hence, no



offence under SC/ST Act is made out against the appellant. The appellant has one criminal antecedent as stated in the para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellant, the impugned order dated 06.05.2023 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No. 142 of 2023 (arising out of Sherghati P.S. Case No. 294 of 2023), is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No. 142 of 2023 (arising out of Sherghati P.S. Case No. 294 of 2023), subject



to the conditions mentioned in Section 438(2) of the Code
of Criminal Procedure.

(Chandra Prakash Singh, J)

Nilmani/-

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