

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3054 of 2023

Arising Out of PS. Case No.-43 Year-2021 Thana- SC/ST District- Saran

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Bikas Kumar Mahto @ Vikash Mahto Son Of Adalat Mahto Resident Of
Village - Molnapur, Police Station - Bheldi, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Kumar Ram Son of Chullahi Ram Resident of village - Molnapur,
Police Station - Bheldi, District - Saran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhijeet Gautam
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
09.08.2023 but nobody appeared on behalf of the respondent
no.2.

3. 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 28.03.2023 passed by learned Additional
Sessions Judge 3rd Saran in connection with Saran SC & ST P.S.
Case No. 43/2021, registered under Sections 147, 149, 341, 323,



324, 307, 504 and 302 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is general and omnibus allegation levelled against the appellant. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. There is allegation against the appellant is that he assaulted the informant by means of iron rod. All the occurrence took place inside the house not in public view. Hence, no offence under Section SC/ST Act is made out against the appellant. The injury found upon the victim is simple in nature. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State along opposes the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

6. In the facts and circumstances of the case and the fact that the injury found upon the victim is simple in nature and no offence under section SC/ST Act is made out against the appellant, 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 Additional Sessions Judge 3rd Saran in connection with Saran SC & ST P.S. Case No. 43/2021, 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)

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