

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3058 of 2023**

Arising Out of PS. Case No.-1 Year-2023 Thana- SC/ST District- Patna

Manish Saw @ Manish Kumar@Manish Gupta Son Of Sanjay Saw Resident
Of Village- Singhara, Post- Kamala Gopalpur, P.S- Maner, District -PATNA

... .. Appellant/s

Versus

1. The State of Bihar.
2. Chandra Vikash Kumar Son Of Dev Bihari Paswan Resident Of Village-
Singhara, Post- Kamala Gopalpur, P.S- Maner, District -PATNA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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

ORAL ORDER

3 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 12.04.2023 passed by
the learned Exclusive Special Judge, SC/ST Act, Patna in
connection with A.B.P. No. 1278 of 2023 (arising out of
SC/ST P.S. Case No. 01 of 2023 dated 02.01.2023)



registered for the alleged offences under Sections 447, 448, 147, 148, 341, 323, 325, 504, 506 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 prosecution case, the accused persons came in drunken condition started abusing the informant by calling his caste name and when the informant protested, they assaulted him causing head injury. It is further alleged that on the next day all the accused persons including the appellant came and abused the informant and his family members by calling their caste name and also assaulted the informant and his family members.

4. Learned counsel for the appellant submits that the appellant is innocent and have been falsely implicated in this case. The appellant is named in the F.I.R. There is general and omnibus allegation against 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 co-accused persons have already granted anticipatory bail by the Coordinate Bench of this



court vide order dated 01.08.2023 passed in Cr. Appeal (SJ) No. 2999 of 2023. The appellant has no 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 u/s SC/ST Act is made out against the appellant, the impugned order dated 12.04.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with A.B.P. No. 1278 of 2023 (arising out of SC/ST P.S. Case No. 01 of 2023 dated 02.01.2023), 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 Act, Patna in connection with A.B.P. No. 1278 of



2023 (arising out of SC/ST P.S. Case No. 01 of 2023 dated 02.01.2023), subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Nilmani/-

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