

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3174 of 2023

Arising Out of PS. Case No.-54 Year-2020 Thana- TANKUPPA District- Gaya

-
1. Samundar Yadav @ Rajkumar Yadav Son Of Dhako Yadav Resident Of Village- Manmadho, Ps- Tankuppa, Dist- Gaya
 2. Arvind Kumar Son Of Rajkumar Yadav @ Samundar Yadav Resident Of Village- Manmadho, Ps- Tankuppa, Dist- Gaya
 3. Birendra Yadav Son Of Rajkumar Yadav @ Samundar Yadav Resident Of Village- Manmadho, Ps- Tankuppa, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Soman Paswan Son Of Late Paso Paswan Resident Of Village- Manmadho, Ps- Tankuppa, Dist- Gaya (WARD Member, Ward No. 12)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard learned counsel for the appellants 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 16.08.2023 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 17.05.2023 passed by learned Exclusive



Special Judge, SC/ST, Special Court, Gaya in connection with Tankuppa P.S. Case No. 54/2020 registered under Sections 147, 149, 341, 323, 324, 379 and 504 of the Indian Penal Code and Section 3 (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is case and counter case between the parties and both parties have sustained injuries. There is no specific overt act against any of these appellants to abuse the informant by taking the caste name. Hence, no offense under SC/ST Act is made out against the appellants. No person was injured in the present occurrence from the side of the informant which is clear from the injury report enclosed in the case diary. Appellant no.2 have got no criminal antecedent and appellants no.1 & 3 have got one criminal antecedent as mentioned in para-3 of memo of appeal.

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

6. 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC//ST, Special Court, Gaya in connection with Tankuppa P.S. Case No. 54/2020, 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)

ajay/-

U		T	
---	--	---	--

