

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3386 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- BIKRAM District- Patna

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1. Uday Rai Late Damodar Rai Resident Of Village- Math Baliyari, Ps- Bikram, Distt- Patna
 2. Manish Kumar Son Of Uday Rai Resident Of Village- Math Baliyari, Ps- Bikram, Distt- Patna
 3. Vijay Rai @ Vijay Yadav Son Of Late Bhagwat Rai Resident Of Village- Girwari Tola, Ps- Bikram, Distt- Patna
 4. Sanjay Rai Son Of Late Bhagwat Rai Resident Of Village- Girwari Tola, Ps- Bikram, Distt- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Hemanti Devi Wife Of Subhash Paswan Resident Of Village- Math Baliyari, Ps- Bikram, Distt- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amit Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
	:	Mr. Ram Prakash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

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 of anticipatory bail vide order dated 01.06.2023 passed by learned Exclusive Special Court, SC/ST (POA) Act, Patna in connection with Bikram P.S. Case No. 12 of 2023, registered under Sections 147,



148, 341, 323, 379 and 504 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, appellants came inside the house of the informant and snatched golden jeutiya from women of the house and abused by taking the caste name and assaulted the informant's side.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellants to abuse the informant by taking the caste name. All the incident took place inside the house not in public view. Hence, no offence under SC & ST Act is made out against the appellants. There is case and counter case between the parties. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State along with learned counsel for the respondent no.2 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 and the fact that though one of the injuries was found grievous in nature



but there is no specific overt act against the appellants and all the occurrence took place inside the house, 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 Court, SC/ST (POA) Act, Patna in connection with Bikram P.S. Case No. 12 of 2023, 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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