

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3309 of 2023

Arising Out of PS. Case No.-202 Year-2023 Thana- BARUN District- Aurangabad

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AMIT KUMAR SON OF JITENDRA SINGH RESIDENT OF VILLAGE -
POKHRAHI, PS- BARUN, DISTT- AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar
2. RITA DEVI WIFE OF PRABHU RAM RESIDENT OF VILLAGE -
POKHRAHI, PS- BARUN, DISTT- AURANGABAD

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Ms.Rupa Kumari, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP. Mr. Shailesh Kumar Singh, Adv. Mr. Rajnish Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 of anticipatory bail vide order dated 03.07.2023 passed by learned Special Judge – SC/ST cum 1st Additional District & Sessions Judge, Aurangabad in connection with Barun P.S. Case No. 202 of 2023 registered under Sections 341, 323, 504, 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. Allegedly, all the accused persons including the appellants, armed with *lathi-danda*, came at the house of the informant and started abusing her taking her caste name. Appellant along with other co-accused is said to have assaulted the informant on her back and when the informant fell down, all the accused persons assaulted her with fist and slap. They also assaulted her daughter.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. No injury was caused in the alleged occurrence. The learned lower Court has also not mentioned any injury in the impugned order. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for Respondent No.2 opposed the prayer for bail.



6. In the facts and circumstances of the case, as the occurrence took place inside the house and no injury was caused in the alleged occurrence, 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 released 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 the learned Special Judge – SC/ST cum 1st Additional District & Sessions Judge, Aurangabad in connection with Barun P.S. Case No. 202 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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