

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3356 of 2023

Arising Out of PS. Case No.-337 Year-2023 Thana- CIVIL LINE District- Gaya

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1. SANTOSH KUMAR SON OF BUDHAN @ BUDH DEO PRASAD R/O-SUJAN CHUA, GEWAL BIGHA, P.S.-CIVIL LINES, DISTT.-GAYA
 2. RAHUL KUMAR @ SAGAR KUMAR SON OF SANJEET SINGH @ SURESH RAUT R/O-SUJAN CHUA, GEWAL BIGHA, P.S.-CIVIL LINES, DISTT.-GAYA
 3. CHIKU KUMAR @ ABHISHEK KUMAR PATEL SON OF BINOD KUMAR @ BINOD RAUT R/O-SUJAN CHUA, GEWAL BIGHA, P.S.-CIVIL LINES, DISTT.-GAYA
 4. KUNAL KUMAR @ KUNAL RAUT SON OF RAJESH RAUT R/O-SUJAN CHUA, GEWAL BIGHA, P.S.-CIVIL LINES, DISTT.-GAYA
 5. ROHAN KUMAR SON OF LATE NAND KISHORE PRASAD @ BUTTA R/O-SUJAN CHUA, GEWAL BIGHA, P.S.-CIVIL LINES, DISTT.-GAYA
 6. RAJAN KUMAR SON OF GOPAL PRASAD @ NAWAL KISHORE PRASAD R/O-POLICE LINES ROAD, P.S.-RAMPUR, DISTT.-GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. SONIYA DEVI WIFE OF LATE RAGHUNATH CHAUDHARY R/O-SAMIR TAKIYA, DURGA ASTHAN, PASI TOLA, P.S.-CIVIL LINE, DISTT.-GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl.PP. for the State submits that vide order dated 17.08.2023, she informed the informant to appear in the present appeal through her counsel, but nobody appears on her behalf.



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 11.07.2023 passed by learned Exclusive Special Judge SC/ST (PoA) Act, Gaya in connection with Civil Lines Case No. 337 of 2023 registered under Sections 341, 323, 324, 504, 506, 354, 379, 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution story, in brief, is that when the informant was in her shop, appellant nos. 2 & 3 came there and started abusing her and demanded Rs. 2 lacs as *rangdari* and threatened to kill her son on denial. Appellant nos. 1, 5 & 6 assaulted her son, grandson and granddaughter.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. Appellants are students. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is case and counter case between the parties.



Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail and submitted that there is specific allegation against appellant nos. 2 & 3 that they abused the informant by taking her caste name, hence they do not deserve anticipatory bail.

7. In the facts and circumstances of the case, as there is no specific overt act against appellant nos. 1, 4, 5 & 6, the above named appellant nos. 1, 4, 5 & 6, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST (PoA) Act, Gaya in connection with Civil Lines Case No. 337 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. However, there is specific allegation of abusing the informant by taking her caste name against appellant nos. 2 & 3, I am not inclined to enlarge them on anticipatory bail.

9. The prayer for anticipatory bail of the appellant nos. 2 & 3 is hereby rejected.



10. However, if appellant nos. 2 & 3 surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that appellants are students.

11. Accordingly, the impugned order is set aside and this appeal is partly allowed.

(Anjani Kumar Sharan, J)

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