

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3485 of 2023

Arising Out of PS. Case No.-54 Year-2020 Thana- SC/ST District- Sheikhpura

1. SATISH PRASAD Son of Late Ramkhelawan Mahto Resident of village - Basant, P.S. - Chewara, Distt. - Sheikhpura
2. Golu Kumar Son of Late Sagar Mahto Resident of village - Basant, P.S. - Chewara, Distt. - Sheikhpura
3. Gaurav Kumar Son of Manoj Mahto Resident of village - Basant, P.S. - Chewara, Distt. - Sheikhpura
4. Ajit Prasad @ Ajit Kumar Son of Dayanand Mahto Resident of village - Basant, P.S. - Chewara, Distt. - Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi Wife of Manu Paswan Resident of village - Basant, P.S. - Chewara, Distt. - Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Nandan Prasad, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-12-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about her appearance in the appeal 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 for anticipatory bail vide order dated



17.06.2023, passed by learned 1st Additional District and Sessions Judge-cum-Spl. Judge, SC/ST Act, Sheikhpura, in connection with SC/ST P.S. Case No.54/2020, registered u/s 447, 341, 323, 354(B), 504, 506, 34 of the IPC and sections 3(1)(r)(s)(w)(i)/ 3(2)(va) of the SC/ST Act.

4. As per the prosecution case, the F.I.R. named accused persons including the appellants came at the house of the informant and started abusing her. When the informant's husband came there, the appellants started abusing and beating her husband.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view and the same is said to have taken place inside the house of the informant. There is no specific overt act against the appellants to abuse the informant or her husband by taking caste name. Appellants have no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail



by submitting that the appellants are involved in the present case as they are specifically alleged to have abused the informant by taking caste name and threatened to destroy her house for the construction of road.

7. Considering the facts and circumstances of the case and the nature of offence, I am not inclined to enlarge the appellants on anticipatory bail. The prayer for grant of bail from their behalf is hereby rejected.

8. This application is accordingly dismissed.

9. However, appellants are at liberty to surrender before the learned Court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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