

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3501 of 2023**

Arising Out of PS. Case No.-125 Year-2023 Thana- BARACHATTI District- Gaya

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1. Rinki Rani @ Arti Devi Wife Of Ajay Kumar R/O Village- Gambhira, Ps- Mohanpur, Dist- Gaya Permanent Address Village- Seladi, Ps- Barachatti, Dist- Gaya
 2. Anita Devi @ Varma Sunita Wife Of Arjun Prasad R/O Village- Gambhira, Ps- Mohanpur, Dist- Gaya Permanent Address Village- Seladi, Ps- Barachatti, Dist- Gaya
 3. Ajay Kumar Son Of Arjun Prasad R/O Village- Gambhira, Ps- Mohanpur, Dist- Gaya Permanent Address Village- Seladi, Ps- Barachatti, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Swati Devi Wife Of Anil Manjhi Resident Of Village- Gambhira, Ps- Mohanpur, Dist- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivendra Prasad, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 23.08.2023, he has informed the informant but none is present 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 27.06.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 125 of 2023, registered under Sections 147, 148, 149, 341, 323, 354, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegation against the seven accused persons alongwith the appellants that they abusing, assaulting and outraging the modesty of informant.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the present case and there is case and counter case between the parties and both sides have sustained injury but the injury was found simple in nature. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He further submits that learned Court below has failed to appreciate that both the side belongs to the SC/ST community. Slating the informant in the name of caste is said to have been made at the house of the appellants and not in public view, hence no offence under SC/ST Act is made out against the appellants. 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.

7. 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 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 Act), Gaya in connection with Barachatti (Mohanpur) P.S. Case No.125 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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