

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3634 of 2023

Arising Out of PS. Case No.-39 Year-2014 Thana- KHIRI MORE District- Patna

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1. OM PRAKASH @ BAJRANGI SHARMA @ BAJRANG SHARMA Son of Ashok Kumar @ Ashok Sharma Resident of village - Chauri, P.S. - Khirimore, Distt. - Patna
 2. MANISH KUMAR @ MANISH SHARMA Son of Late Sadhu Sharma Resident of village - Chauri, P.S. - Khirimore, Distt. - Patna

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. GAYANTI DEI W/o Baijnath Chaudhary Resident of village - Chauri, P.S. - Khirimore, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-10-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. In compliance of the order dated 16.08.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/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 22.06.2023 passed by learned Exclusive



Special Court, SC/ST Act, Patna in connection with Khirimore P.S. Case No.39 of 2014, registered under Sections 379 and other allied Sections of the Indian Penal Code and Section 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants assaulted the informant's side by means of *lathi* and *danda*.

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 case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He further submits that the entire occurrence took place inside the house of the informant which is not a public place, hence, no offence under Section SC/ST Act is made out against the appellants. He further submits that the injuries are simple in nature which is apparent from the injury report itself. 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. Considering the facts and circumstances of the case as



well as considering the nature of injury, 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 Court, SC/ST Act, Patna in connection with Khirimore P.S. Case No.39 of 2014, 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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