

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4278 of 2021**

Arising Out of PS. Case No.-58 Year-2019 Thana- SC/ST District- Saran

Dev Raj Son Of Vijay Kumar @ Bijay Kumar Gupta R/O Mohalla- Jama
Maszid, P.O. And P.S.- Sahebganj, District- Chapra, Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh

For the Respondent/s : Mr.Sadanand Paswan

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

4 18-10-2023

Re: I.A. No. 02 of 2023

Heard learned counsel for the parties.

2. Appellant has filed the aforesaid interlocutory application for condoning the delay in preferring this appeal.

3. For the reasons stated in the interlocutory application and after considering the submissions, this interlocutory application is allowed and the delay in preferring this appeal is hereby condoned in view of the order dated 10.01.2022 passed by the Hon'ble Supreme Court in Miscellaneous Application No. 21 of 2022.

Re: Criminal Appeal (SJ) No. 4278 of 2021

Heard learned counsel for the appellant 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/complainant but none is present 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, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 20.11.2019, passed by learned A.D.J.-1st Chapra, Saran in connection with SC/ST P.S. Case No. 58 of 2019, registered under Sections 346, 323, 353, 427, 504, 506/34 of the IPC and Sections 3(i) (r) (s), 3 (2) (va) of SC/ST Act.

4. Appellant is said to have assaulted the informant and abused him by taking caste name.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He submits that the similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 30.01.2021 passed in Cr. App (SJ) No. 32 of 2020. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.



6. Considering the facts and circumstances of the case, let 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 enlarged 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 A.D.J.-1st Saran, Chapra in connection with SC/ST P.S. Case No. 58 of 2019, 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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