

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3565 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- BARH District- Patna

1. Santosh Saw Son Of Hriday Saw Resident Of Village-Pachhiyari Malahi, Police Station-Barh, District-Patna.
2. Suresh Saw Son Of Hriday Saw Resident Of Village-Pachhiyari Malahi, Police Station-Barh, District-Patna.
3. Sudhir Saw Son Of Mahindra Saw Resident Of Village-Pachhiyari Malahi, Police Station-Barh, District-Patna.
4. Hira Saw Son Of Shivji Saw 5. Resident Of Village-Pachhiyari Malahi, Police Station-Barh, District-Patna.
5. Raja Saw @ Raju Saw Son Of Dinesh Saw Resident Of Village-Pachhiyari Malahi, Police Station-Barh, District-Patna.
6. Nitish Saw @ Nitish Kumar Son Of Anuj Saw Resident Of Village-Pachhiyari Malahi, Police Station-Barh, District-Patna.
7. Dharmendar Saw Late Jai Ram Saw Resident Of Village-Pachhiyari Malahi, Police Station-Barh, District-Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Narayan Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-08-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

2. 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 01.07.2023 passed by learned Exclusive Special Court (ST/SC Act), Patna, in connection with Barh P.S. Case No. 154 of 2023 registered under Sections 147, 149, 323, 504 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellants along with other accused persons are said to have abused and assaulted the informant and his family members.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste hence, no offence under Section SC/ST Act is made out against the appellants. He submits that there is no evidence of mar pit or no any injury report is available at all. He further submits that there is case and counter case between the parties and both sides have sustained injury. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State and learned counsel for respondent no. 2 opposed payer for bail and submitted that the appellants abused the respondent no. 2/informant by taking

caste name.

6. Considering 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 learned Exclusive Special Court (ST/SC Act), Patna, in connection with Barh P.S. Case No. 154 of 2023, 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

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