

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3545 of 2023

Arising Out of PS. Case No.-532 Year-2023 Thana- BIHTA District- Patna

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1. Mr. Ramji Kumar Son Of Setha Rai Resident Of Rehatganj, Ps- Neura, Dist- Patna
 2. Mr. Kundan Kumar Son Of Ajay Yadav @ Vijay Ray Resident Of Rehatganj, Ps- Neura, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajit Kumar Son Of Ajay Chaudhari Resident Of Village- Jitaitpur, Ps- Bihta (Neura), Distict- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeeb Kumar Sanju, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Resp.No.2	:	Mr. Arun Kumar Singh, Advocate

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 as well as learned counsel for Respondent No.2.

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 18.07.2023 passed by learned Additional Sessions Judge-XVI-cum-Special Judge (SC/ST Act), Patna in connection with Bihta P.S. Case No. 532 of 2023, registered under Sections 341, 342, 323, 307, 506/34 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 appellants is that they abused the informant by taking caste name.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence and they have been falsely implicated in the present case. He further submits that there is compromise between the parties and this fact is not taken by the learned court below. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant 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 as well as learned counsel for respondent No.2 have opposed the prayer for bail and conceded the fact that there is compromise between the parties.

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 Additional Sessions Judge-XVI-cum-Special Judge (SC/ST Act), Patna in connection with Bihta P.S. Case No.532 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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