

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3230 of 2022**

Arising Out of PS. Case No.-368 Year-2022 Thana- WARISLIGANJ District- Nawada

1. SONU PRASAD @ SONU KUMAR SON OF ARJUN PRASAD R/O VILLAGE- BALWAPAR (CHAKWAI), P.S.- WARISALIGANJ, DISTT.- NAWADA
2. SHAILENDRA KUMAR SON OF PRAMOD PRASAD R/O VILLAGE- BALWAPAR (CHAKWAI), P.S.- WARISALIGANJ, DISTT.- NAWADA
3. MANIKANT KUMAR SON OF KAPIL PRASAD R/O VILLAGE- BALWAPAR (CHAKWAI), P.S.- WARISALIGANJ, DISTT.- NAWADA

... .. Appellant/s

Versus

1. The State of Bihar
2. PREMAN CHAUDHARY SON OF LATAN CHAUDHARY R/O VILLAGE- BHEDIA, P.S.- WARISALIGANJ, DISTT.- NAWADA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deepak Kumar, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

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

3 12-07-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

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 31.08.2022 passed by learned Exclusive Special Court Scheduled Castes and Scheduled Tribes, Nawada in connection with Warisaliganj P.S. Case No. 368 of 2022 registered under Sections 448, 341, 323, 325, 379, 504, 506, 34 of the Indian



Penal Code and Section 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants along with other accused persons entered the house of the informant and started assaulting him by means of deadly weapons.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of his caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is inordinate delay of three days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution 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. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstances of the case, as there is no allegation of slating the informant in the specific name of his caste, 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 Scheduled Castes and Scheduled Tribes, Nawada in connection with Warisaliganj P.S. Case No. 368 of 2022 , subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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