

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3228 of 2022

Arising Out of PS. Case No.-302 Year-2022 Thana- GAYA MUFASIL District- Gaya

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1. VIKASH KUMAR Son of Aditya Ram Resident of Village - Amari, P.s.- Muffasil, Distt.- Gaya.
 2. Dipak Kumar @ Dipak Son of Anil Ram Resident of Village - Amari, P.s.- Muffasil, Distt.- Gaya.
 3. Rakesh Kumar Son of Anil Ram Resident of Village - Amari, P.s.- Muffasil, Distt.- Gaya.
 4. Chitranjan Kumar Son of Late Gorakh Ram Resident of Village - Amari, P.s.- Muffasil, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anu Kumari W/o Jitan Paswan Resident of Village - Amari, P.s.- Muffasil, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-01-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

In view of order dated 07.12.2022, learned Spl.P.P. for the State informed the respondent no.2/informant about her appearance in this case but nobody appears on her behalf.

This is an appeal under section 14A (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 for anticipatory bail vide order dated



26.08.2022, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya, in connection with Muffasil P.S. Case No.302 of 2022, registered u/s 341, 323, 354, 504, 506 and 34 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, 3-4 persons tried to outrage the modesty of informant. Thereafter F.I.R. named accused persons closed her mouth but somehow she escaped and came to her house. Then all the accused persons came there shouting her caste name and accused Vikash Kumar assaulted by lathi to her brother.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific overt act against the appellants to have abused the informant. It is submitted that earlier the appellants' side have filed a case against the informant and her family members (Annexure-2 of the memo of appeal). Thereafter, present case is filed by the informant against the appellants with frivolous allegation. It is further submitted that the occurrence took place inside the house and not in the public view, as such, no SC/ST



offence is made out. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail by submitting that appellants have abused the informant by taking caste name and they are involved in the offence, which is clear from the F.I.R.

Considering the facts and circumstances of the case and the nature of allegation that there is specific allegation against the appellants to abuse the informant by taking caste name, I am not inclined to enlarge the appellants on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

This memo of appeal stands dismissed.

(Anjani Kumar Sharan, J)

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