

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3870 of 2023

Arising Out of PS. Case No.-438 Year-2023 Thana- BODHGAYA District- Gaya

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1. Aniket Paswan @ Ankit Kumar Son Of Rajesh Paswan R/O Nersingh Astan (RAMPUR), P.O And P.S.- Bodhgaya, Dist.-GAYA
 2. Anikesh Paswan @ Ankesh Paswan @ Ankesh Kumar @ Anikeh Paswan Son Of Rajesh Paswan R/O Nersingh Astan (RAMPUR), P.O And P.S.- Bodhgaya, Dist.-GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Ranjan S/O Shivratan Paswan R/O Nersingh Astan (rampur), P.O And P.S.- Bodhgaya, Dist.-gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 20-12-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 20.09.2023 but nobody appeared on behalf of the 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 17.07.2023 passed by learned Exclusive Special Judge, SC/ST, Special Court, Gaya in connection with



Bodhgaya P.S. Case No. 438 of 2023, registered under Sections 147, 148, 149, 341, 448, 323, 354, 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegation levelled against the appellants. There is no specific overt act against any of these appellants. All the occurrence took place inside the house not in public place, therefore, no case under SC/ST Act is made out against the appellants. Appellants have got one criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abused the respondent no.2/informant by taking caste name.

6. Earlier vide order dated 22.11.2023 case diary as well as final injury report was called for by this Court. The injury found upon the victim is simple in nature.

7. In the facts and circumstances of the case and the fact that the injury found upon the victim is simple in nature, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Special Court, Gaya in connection with Bodhgaya P.S. Case No. 438 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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