

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3672 of 2022**

Arising Out of PS. Case No.-134 Year-2022 Thana- AMAS District- Gaya

VIKASH SHARMA @ VIKASH KUMAR SHARMA Son of Laldeo Sharma
Resident of village - Jhari, P.S.- Amas, District - Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Shila Devi Wife of Aalok Rajak Resident of village - Jhari, P.S.- Amas,
District - Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant : Ms. Rupa Kumari, Advocate
For the State : Mr. Sadanand Paswan, Special P.P.

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

3 21-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Vide order dated 07.12.2022, notice was issued to respondent no.2. The office has reported that notice has been received by respondent no.2, but today nobody appears on her behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 25.05.2022, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Amas P.S. Case No.134 of



2022, registered under Sections 323, 341, 504, 506, 307 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

The appellant and co-accused, Ramesh Sharma assaulted the husband of the informant. The accused persons are said to have abused the informant by naming her caste.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the specific allegation is against Ramesh Sharma that he abused the informant by naming her caste. It is also submitted that no specific overt act is alleged against the appellant.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellant.

Taking into consideration the facts aforesaid, let appellant, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive



Special Judge, SC/ST (POA) Act, Gaya in connection with
Amas P.S. Case No.134 of 2022, subject to the conditions 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)

S.KUMAR/-

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