

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4005 of 2022

Arising Out of PS. Case No.-253 Year-2022 Thana- KONCH District- Gaya

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1. RAGHVENDRA SHARMA Son of Sri. Vijay Singh Resident of Village- Digghi, P.S.- Konch, District- Gaya, Bihar
 2. RAHUL KUMAR Son of Sri. Nagendra Singh Resident of Village- Digghi, P.S.- Konch, District- Gaya, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Uma Sankar Prasad Son of Shyam Bihari Prasad Resident of Village- Digghi Molaganj, P.S.- Konch, District- Gaya, Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned Spl.PP. for the State informs the Court that in compliance of order dated 02.03.2023, she informed the respondent no.2 to plead in the present appeal through his counsel but nobody appears on his behalf.

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 01.11.2022 passed by learned Exclusive Special Judge, (SC/ST



Act), Gaya in connection with Konch P.S. Case No. 253 of 2022 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that informant namely Uma Shankar Prasad alleged in his written application that he was going to Maulaganj from Guraru on 15.06.2022 in the meanwhile FIR named accused persons abused him by taking his caste name and also snatched Rs. 3000/- and golden chain.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. 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 not been made in public view, hence no offence under SC/ST Act is made out against the appellants. Informant has not sustained any injury. 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



general and omnibus allegation against the appellants, 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 Judge (SC/ST Act), Gaya in connection with Konch P.S. Case No. 253 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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