

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3999 of 2022

Arising Out of PS. Case No.-461 Year-2022 Thana- GOPALPUR District- Patna

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1. PARO DEVI Wife of Jawahar Singh @ Jay Prakash Singh R/V- Sona Gopalpur, Sampatchak, P.S- Gopalpur, Dist- Patna
 2. Jawahar Singh @ Jay Prakash Singh Son of Kuleshwar Singh R/V- Sona Gopalpur, Sampatchak, P.S- Gopalpur, Dist- Patna
 3. Kashish Kumari @ Pooja Kumari D/o Jawahar Singh @ Jay Prakash Singh R/V- Sona Gopalpur, Sampatchak, P.S- Gopalpur, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Champa Devi Wife of Aklu Paswan R/V- Sona Gopalpur, Dihpur, P.S- Gopalpur, Dist- patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Anand
For the Respondent/s	:	Mr. Binay Krishna Mrs. Manju Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-04-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 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 17.10.2022 passed by learned Exclusive Special Court SC/ST, Patna in connection with Gopalpur P.S. Case No.461 of 2022, registered under Sections 341, 323, 325, 379, 447, 504, 34 of



the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the FIR, the co-accused Puja Kumari used to make video of the daughter of the informant from her mobile. It is alleged that when the informant asked the appellants about the said incident, the appellants and other accused persons entered into her house and assaulted and abused her. It is further alleged that the appellants snatched golden *jitiya* from the neck of the informant.

It is submitted by learned counsel for the appellants that 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 been made inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellants. He further submits that the specific allegation is against the co-accused Puja Kumari. 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 as well as learned counsel for the respondent no.2 opposed the prayer for bail by submitting that the appellants are also involved in the present case.

In the facts and circumstances of the case, 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 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 SC/ST, Patna in connection with Gopalpur P.S. Case No.461 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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