

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4430 of 2022**

Arising Out of PS. Case No.-447 Year-2022 Thana- ATRI District- Gaya

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1. Raju Kumar @ Chotu Kumar Son Of Late Baliram Singh R/O-Kajur, P.S.-ATRI, Distt.-GAYA
 2. Raushan Kumar Son Of Anil Singh R/O-Kajur, P.S.-ATRI, Distt.-GAYA
 3. Newton Kumar @ Nutan Kumar @ Gitendra Kumar Singh Son Of Anil Singh R/O-Kajur, P.S.-ATRI, Distt.-GAYA
 4. Vicky Kumar Son Of Deepu Singh @ Dilip Singh R/O-Kajur, P.S.-ATRI, Distt.-GAYA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pratyush Pratap Singh
For the Respondent/s : Mr. Binay Krishna

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

3 19-07-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 21.06.2023 informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

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 17.11.2022 passed by learned Special Judge,
SC/ST, Gaya, in connection with Atri P.S. Case No. 447 of 2022



registered under Sections 147, 149, 341, 323, 326, 307, 332, 333, 353, 427 and 379 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(V-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the accused persons in assistance of about 100 villagers threw stones, bricks and assaulted the raiding party with lathi, danda due to which raiding party sustained injuries.

5. Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. 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 appellant. He submits that the police officials are taking advantage of their caste and have implicated the innocent appellants in the instant case. There is no specific allegation upon the appellant of assaulting the police raiding team or causing hurt to them. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the



appellants, 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 learned Special Judge, SC/ST, Gaya, in connection with Atri P.S. Case No. 447 of 2022, 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)

anand/-

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