

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 33 of 2023**

Arising Out of PS. Case No.-234 Year-2022 Thana- KONCH District- Gaya

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1. Lalendra Yadav S/O Late Morahwaj Yadav Resident Of Village- Bijahara, P.S.- Konch, District- Gaya.
 2. Umashankar Kumar S/O Lalendra Yadav Resident Of Village- Bijahara, P.S.- Konch, District- Gaya.
 3. Karmachand Kumar @ Karmchand Kumar S/O Uday Yadav Resident Of Village- Bijahara, P.S.- Konch, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendra Paswan S/O Late Ram Lakhan Dusadh Resident Of Village- Bijahara, P.S.- Konch, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manisha Prakash
For the Respondent/s : Mr.Usha Kumari 1

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

3 26-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl. PP for the State, in compliance of order dated 15.03.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

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 14.10.2022 passed by learned Exclusive



Special Judge, SC and ST (POA) Act, Gaya, in connection with Konch P.S. Case No. 234 of 2022 registered under Sections 341, 323, 324, 337, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they have assaulted the informant's son and also abused the informant by taking specific caste name.

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 occurrence took place on 26.05.2022 whereas the F.I.R. was lodged on 09.06.2022, after delay of 14 days and there is no explanation regarding the delay, which creates serious doubt on the prosecution case. He further submits that no person was injured in the occurrence. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

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



Considering the facts and circumstances of the case and the fact that there is delay in lodging the present F.I.R., 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 Exclusive Special Judge, SC and ST (POA) Act, Gaya, in connection with Konch P.S. Case No. 234 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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