

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.212 of 2023

Arising Out of PS. Case No.-306 Year-2022 Thana- BARACHATTI District- Gaya

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1. Sarita Devi Wife Of Shyam Sundar Yadav Resident Of Khapia, P.O.- Dhamna, P.S.- Barachatti, District - Gaya.
 2. Parvati Devi Wife Of Kesar Yadav Resident Of Khapia, P.O.- Dhamna, P.S.- Barachatti, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi Wife of Dinesh Das Resident of Village - Khapia, P.O.- Dhamna, P.S.- Barachatti, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kr. Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-03-2023 Vide order date 22.02.2023, this application with regard to appellant no.3 is dismissed as withdrawn.

Now this appeal is being heard only with regard to appellants no. 1 and 2.

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 22.02.2023, 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 23.06.2022 passed by learned Special Judge SC/ST, Gaya, in connection with Barachatti P.S. Case No. 306 of 2022 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the informant alleged that in the evening when she was farming in her field on that time accused had brought his animals in the field for grazing, on which her son opposed the accused persons, due to which accused has started assaulting with lathi and danda. In the meantime, all the family of the informant side had come to pacify the matter but they were also assaulted.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. He submits that there is general and omnibus allegation against the appellants. 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. He submits that no person was injured in the present case. He submits that it is pertinent to note here that the FIR has been lodged after two



days of occurrence. Appellants have got no criminal 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, argument of the parties, perusal of records 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 Barachatti P.S. Case No. 306 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)

anand/-

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