

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.9 of 2023

Arising Out of PS. Case No.-242 Year-2022 Thana- MOKAMAH District- Patna

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1. Goletan Kumar Yadav @ Tusar @ Gautam Son Of Bhopu Yadav @ Bhekha Yadav Resident Of Village - Kanhaipur Brahmsthan, P.S.- Mokama, District - Patna
 2. Sudama Kumar Yadav @ Sudal Son Of Sushil Yadav Resident Of Village - Kanhaipur Brahmsthan, P.S.- Mokama, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Paswan Son of Chand Kumar R/o Village - Kanhaipur Ward No.- 13, P.S.- Mokama, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Man Mohan Kumar
For the Respondent/s : Mr.Sadanand Paswan

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 21.11.2022 passed by learned Exclusive Special Judge SC/ST, Patna, in connection with Mokama P.S.



Case No. 242 of 2022 registered under Sections 341, 323, 504 and 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 prosecution case, appellants and other accused persons assaulted the informant and his friend by means of butt of pistol.

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 there is no specific overt act against the appellant. Appellant no. 1 has got no criminal antecedent and appellant no. 2 has got one 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 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 Exclusive Special Judge SC/ST, Patna, in connection with Mokama P.S. Case No. 242 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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