

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.426 of 2024

Arising Out of PS. Case No.-736 Year-2022 Thana- WAZIRGANJ District- Gaya

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1. Subodh Kumar @ Subodh Singh Son Of Dinesh Singh @ Dinesh Prasad Singh R/O-Manaini, P.S.-WAZIRGANJ, Distt.-GAYA
 2. Pawan Singh @ Pawan Kumar Akela Son Of Ghanshyam Singh R/O-Manaini, P.S.-WAZIRGANJ, Distt.-GAYA
 3. Soni Singh Son Of Rajo Singh @ Damodar Singh R/O-Manaini, P.S.-WAZIRGANJ, Distt.-GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. Ankar Chaudhary Son Of Ram Pravesh Chaudhary R/O-Manaini, P.S.-WAZIRGANJ, DISTT.-GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivendra Prasad
For the State	:	Mr. Binay Krishna
For the Respondent no.2	:	Mr. Vinod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

2. 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 12.12.2023 passed by learned Exclusive Special Judge SC/ST Special Court, Gaya, in connection with Wazirganj P.S. Case No. 736 of 2022 registered under Sections



341, 323, 379, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

3. Prosecution case, in brief, is that on 02.12.2022 at about 4:30 P.M. while informant was going to the clinic of doctor along with his wife, all the F.I.R. named accused persons including these appellants, armed with deadly weapons, intercepted informant and assaulted them with iron rod, stick, bricks etc. and abused them by caste name.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellants. He submits that there is no specific overt act against the appellants and the injured person has sustained simple injury. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. Considering the facts and circumstances of the case and the nature of the injury, 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 earned Exclusive Special Judge SC/ST Special Court, Gaya, in connection with Wazirganj P.S. Case No. 736 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

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