

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.633 of 2024

Arising Out of PS. Case No.-500 Year-2023 Thana- MADANPUR District- Aurangabad

1. Bholu Mahto Son Of Sitaram Mahto R/O-Ordih, P.S.-MADANPUR, Distt.-AURANGABAD, Bihar
2. Sushil Kumar Son Of Narayan Mahto R/O-Ordih, P.S.-MADANPUR, Distt.-AURANGABAD, Bihar
3. Deepak Kumar Son Of Shiv Kumar Chandravanshi R/O-Ordih, P.S.-MADANPUR, Distt.-AURANGABAD, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Sakal Chaudhary Son Of Ram Prasad Chaudhary R/O-Ordih, P.S.-madanpur, Distt.-aurangabad, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhaneshwar Prasad Gupta
For the State	:	Mrs. Usha Kumari I
For the Respondent no. 2:	:	Ms. Leelawati 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 14.11.2023 passed by learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad, Bihar, in connection with Madanpur P.S. Case No.



500 of 2023 registered under Sections 341, 448, 323, 354, 379, 147, 149 of the Indian Penal Code and Section 3(i)(r)(s)(w)(i)(ii), 2(v)(a) of the SC/ST Act.

3. As per the prosecution case, the appellants along with other co-accused persons are said to have abused and assaulted the informant and his family members.

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 no person has sustained injury in the present case, it is apparent from the impugned order itself. 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 anticipatory bail and submitted that the appellants are also involved in the present case.

6. Considering the facts and circumstances of the case and the fact that no person has sustained injury during the course of occurrence, 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)-cum-1st Additional District and Sessions Judge, Aurangabad, Bihar, in connection with Madanpur P.S. Case No. 500 of 2023, 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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