

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.758 of 2024

Arising Out of PS. Case No.-241 Year-2022 Thana- MANER District- Patna

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1. Sulendra Rai @ Surendra Singh Son of Rama Shankar Rai Resident of village- Sherpur, P.s.- Maner, District- Patna
 2. Subhash Rai Son of Rama Shankar Rai Resident of village- Sherpur, P.s.- Maner, District- Patna
 3. Vikash Kumar @ Kallu Son of Ramesh Rai Resident of village- Sherpur, P.s.- Maner, District- Patna
 4. Sachin Kumar @ Bhola Son of Surendra Rai Resident of village- Sherpur, P.s.- Maner, District- Patna
 5. Karan Kumar Son of Binod Rai Resident of village- Sherpur, P.s.- Maner, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Mukesh Paswan Son of Sudama Paswan Resident of village- Sherpur, P.s.- Maner, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 01.03.2024, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

3. 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 08.12.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna, in connection with Maner P.S. Case No. 241 of 2022 registered under Sections 341, 323, 354, 307, 504, 506, 448, 34 of the Indian Penal Code and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, allegation against the appellants is that they abused the informant and his family members by taking caste name and also assaulted them by means of iron rod, *lathi danda*.

5. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. 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 appellant. He submits that there is no specific overt act against the appellants. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes prayer for bail.



7. 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 Court, SC/ST Act, Patna, in connection with Maner P.S. Case No. 241 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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