

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1326 of 2024

Arising Out of PS. Case No.-608 Year-2023 Thana- CHANDAUTI District- Gaya

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1. Mansoor Alam Son Of Late Munish Mian Resident Of Village - Kesharu Dharampur, P.S. - Chanduti, District - Gaya (Bihar)
 2. Md. Matloob @ Md. Matluv Son Of Mansoor Alam Resident Of Village - Kesharu Dharampur, P.S. - Chanduti, District - Gaya (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Smt. Kiran Devi Wife Of Late Naresh Mochi Resident Of Village - Kesharu Dharampur, P.S. - Chandauti, District - Gaya (bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Tiwary Ranjeet, Adv.
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-12-2024 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under sections 341, 323, 353, 504, 506/34 of the Indian Penal Code and under Sections 3(i)(r)(s) 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 17.02.2024, passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Chandauti P.S. Case No. 608 of 2023, registered under Sections 341, 323, 504, 379/34 of the IPC and Sections 3(i) (r) (S), 3 (2) (v-a) of SC/ST Act.



3. As per the F.I.R., the appellants is said to have misbehaved and abused the informant by taking caste name and threatened her.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. There is case and counter case between the parties. He further submits that appellants has one criminal antecedent as stated in para-3 of this appeal.

5. However, learned APP for the State and learned counsel for the respondent no.2 oppose the prayer for bail.

6. Considering the facts and circumstances of the case, arguments of learned counsels for the parties and on perusal of record 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) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Gaya in connection



with Chandauti P.S. Case No. 608 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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