

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1878 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- SC/ST District- Gaya

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Baiju Pathak @ Baijnath Pathak Son Of Late Somdatt Pathak Resident Of
Village- Wakilganj, Ps- Dobhi, Distt- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Matiya Devi Wife Of Arun Manjhi Village- Nigri, Tola, Wakilganj, Ps-
Dobhi, Distt- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manindra Kishore Singh
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-08-2024 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

2. Learned Spl.PP for the State submits that he has informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

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 16.03.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with SC/ST P.S. Case No.44 of 2022, registered under Sections 354 and other allied Sections of the



Indian Penal Code and Section 3(i) (r) (w) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellant along with other co-accused persons assaulted the informant by means of several weapons and abused her by taking her caste name.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to enmity and grudge. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. There is no allegation against the appellant to abuse the informant by taking her caste name. Similarly situated co-accused has already been granted bail by this Court vide order dated 11.10.2023 passed in Cr. Appeal (SJ) No. 2493 of 2023. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

7. In the facts and circumstances of the case as there is general and omnibus allegation against the appellant, let the



above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released 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 Act), Gaya in connection with SC/ST P.S. Case No.44 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)

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