

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2079 of 2023

Arising Out of PS. Case No.-02 Year-2023 Thana- SC/ST District- Vaishali

1. Ajay Kumar Sharma Son Of Late Arvind Prasad Sharma Assistant Professor Incharge, Department Of History, Akshayvat College, Mahua Ps- Mahua , Distt- Vaishali
2. Bharat Prasad Son Of Late Chulhai Sah Assistant Professor Department Of Chemistry, Akshayvat College, Mahua Ps- Mahua , Distt- Vaishali
3. Pahawari Lal Yadav Son Of Late Sita Ram Yadav Assistant Professor Department Of Geography Akshayvat College, Mahua Ps- Mahua , Distt- Vaishali
4. Birendra Prasad Singh Son Of Late Ram Chandra Ray At Present Store Keeper, Akshayvat College, Mahua Ps- Mahua , Distt- Vaishali
5. Suresh Ray Son Of Pyare Ray At Present Posted As Clerk, Akshayvat College, Mahua Ps- Mahua , Distt- Vaishali
6. Raj Kishore Ray Son Of Late Jaynandan Ray At Present Posted As Clerk, Akshayvat College, Mahua Ps- Mahua , Distt- Vaishali
7. Raja Ram Ray Son Of Late Bishundeo Ray At Present Posted As Peon , Akshayvat College, Mahua Ps- Mahua , Distt- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Jawahar Lal Ram Son Of Late Shivnath Ram Resident Of Village- And Po Khawaspur Block Lakri Navinagar, Ps- Basantpur, Distt- Siwan At Present Posted As Incharge Principal, Akshayvat College, Mahua , Ps- Mahua , Distt- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar, Adv. Mrs. Vaishnavi Singh, Adv.
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Respondent No.2:		Mr. Dinu Kumar, Adv. Mr. Vardaan Mangalam, Adv. Mrs. Ritika Rani, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 18-10-2024 Heard learned counsel for the appellants, learned
Special Public Prosecutor for the State and learned counsel for
the respondent no. 2.



2. Learned counsel for the appellants seeks permission to withdraw this application with regard to appellant no. 1 submitting that during pendency of this application the appellant no. 1 died.

3. Permission is granted.

4. Accordingly, this application with regard to appellant no. 1 is dismissed as withdrawn.

5. Now, this application is being heard only with regard to appellants no. 2 to 7.

6. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

7. 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 05.04.2023 passed by learned Special Judge-SC/ST, Vaishali at Hajipur, in connection with SC/ST P.S. Case No. 02 of 2023 registered under Sections 147, 149, 150, 341, 323, 379, 385, 504, 506 of the Indian Penal Code and Sections 3(i)(r), 3(1)(s), 7(2)(1) of the SC/ST Act.

8. As per the prosecution case, the appellants along



with other co-accused persons are said to have abused the informant by taking his caste name and also assaulted him.

9. 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 such occurrence has been taken place as alleged in the F.I.R. and without any power the informant has received the charge of incharge principal from Dr. Anjani Kumar Sharan, who has no power to transfer his charge to the informant and this was opposed by the appellants and due to that reason the present case has been lodged by the informant. Appellant no. 2 has three criminal antecedents and appellants no. 3 to 7 have got no antecedent as mentioned in para-3 of memo of the appeal.

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

11. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellants no. 2 to 7, let the above named appellants no. 2 to 7, 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, Vaishali at Hajipur, in connection with SC/ST P.S. Case No. 02 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

anand/- **(Anjani Kumar Sharan, J)**

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