

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3304 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- BARUN District- Aurangabad

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GANESH SINGH S/O RAM PRAVESH SINGH R/O VILLAGE-
POKHARAHI, P.S- BARUN, DISTT.- AURANGABAD, BIHAR.

... .. Appellant/s

Versus

1. The State of Bihar
2. RITA DEVI W/O PRABHU RAM R/O VILLAGE- POKHRAHI, P.S-
BARUN, DISTT.- AURANGABAD, BIHAR.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Lal Bahadur Singh, Adv.
For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 20.09.2024, she informed the informant to appear in the present appeal through her counsel, but nobody appears on 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 18.05.2024 passed by learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad, Bihar in connection with Barun P.S. Case No. 202



of 2023 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Allegedly, all the accused persons including the appellant, armed with *lathi-danda*, came at the house of the informant and started abusing by taking her caste name. They also assaulted the informant and her daughters brutally, as a result, the informant's side has sustained injuries.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. No injury was caused in the alleged occurrence. The learned lower Court has also not mentioned any injury in the impugned order. No one has sustained injury in the occurrence. It is further submitted that similarly situated co-accused has been granted anticipatory bail by this Court in Cr.



APP (SJ) No. 3809 of 2023 on 26.07.2024. 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, since similarly situated co-accused has been granted anticipatory bail by this Court, 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 Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad, Bihar in connection with Barun P.S. Case No. 202 of 2023, 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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