

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3656 of 2023

Arising Out of PS. Case No.-560 Year-2023 Thana- GAYA MUFASIL District- Gaya

1. Lalan Prasad Gupta @ Lalan Prasad Son Of Late Lakhan Prasad Gupta Resident Of Vill - Bhore, P.S. - Muffasil, Distt. - Gaya
2. Gautam Kumar @ Gautam Kumar Gupta Son Of Late Vijay Prasad Gupta Resident Of Vill - Bhore, P.S. - Muffasil, Distt. - Gaya
3. Rita Devi W/O Lalan Prasad Gupta @ Lalan Prasad Resident Of Vill - Bhore, P.S. - Muffasil, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajmal Kumar S/o Late Dularchand Paswan Resident of vill - Bhore, P.S. - Muffasil, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 05-04-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 15.07.2023 passed by learned Exclusive Special Judge SC/ST Special Court, Gaya in connection with Gaya Muffasil P.S. Case No. 560 of 2023 dated 21.05.2023 registered for the offence/s punishable u/ss 341, 323, 307, 420,



325, 379, 504, 354B read with section 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the informant's nephew gave altogether Rs. 30,000/- to the co-accused Chote Lal Rajan to purchase a mobile phone. When the informant's nephew went to take mobile phone, then he abused him by calling caste name. Thereafter, the informant along with his wife went to the field of primary school, where all the accused persons including the appellants abused them. The co-accused Chote lal assaulted the informant with an iron rod on his right hand and snatched his mobile phone. When the informant's cousin brother came to rescue, the co-accused Ritesh Kumar assaulted him with iron rod causing hand injury. Thereafter, the co-accused Ritesh Kumar snatched golden chain from the neck of the informant's wife. The co-accused Nikhit Kumar abused the informant's younger brother and snatched a golden chain from his neck.

4. Learned counsel for the appellants has submitted that the appellant have falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has



further submitted that no particular caste name has been called by the appellants hence no case is made out under section SC/ST Act. There is a case and counter-case between both the parties. There is general and omnibus allegation against the appellants. The specific allegation is against the co-accused Chotte Lal Kumar. The appellants have no criminal antecedents as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellants, the impugned order dated 15.07.2023 passed by learned Exclusive Special Judge SC/ST Special Court, Gaya in connection with Gaya Muffasil P.S. Case No. 560 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like



amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Special Court, Gaya in connection with Gaya Muffasil P.S. Case No. 560 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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