

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3809 of 2023

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

DHARMENDRA SINGH SON OF SARJU SINGH VILLAGE POKHRAHI,
PS- BARUN, DIST- AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RITA DEVI WIFE OF PRABHU RAM VILLAGE POKHRAHI, PS-
BARUN, DIST- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Mukul Kumari
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-07-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. In compliance of order dated 13.12.2023, learned Spl.PP for the State informed the informant to appear in the present case through his counsel or through Spl.PP for the State but nobody appears on behalf of the informant.

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 19.07.2023 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad 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(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including the appellants, armed with *lathi-danda*, came at the house of the informant and started abusing her taking her caste name. Appellant and other accused persons assaulted the informant and her daughter.

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 ever took 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 appellant 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. It is further submitted that similarly situated co-accused has been granted anticipatory bail by this



Court in Cr. APP (SJ) No.3309 of 2023 on 06.12.2023. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State as well as learned counsel for Respondent No.2 opposed the prayer for bail.

7. In the facts and circumstances of the case, as the occurrence took place inside the house and no injury was caused in the alleged occurrence, 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 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad 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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