

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3787 of 2023

Arising Out of PS. Case No.-477 Year-2023 Thana- BARACHATTI District- Gaya

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1. Mithlesh Kumar Yadav S/O Ashok Yadav R/O Village - Nimiyatand, P.S. - Barchatti
 2. Pawan Kumar S/O Deosharan Yadav R/O Village - Nimiyatand, P.S. - Barchatti

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Das S/O - Suthan Das R/O Village - Kahudag, P.S. - Barchatti

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sudhir Kumar Sinha
For the State	:	Mr. Sadanand Paswan
For the Respondent No.2:	:	Mr. Birendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-02-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

2. 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 12.07.2023 passed by learned Exclusive Special Judge SC/ST, Gaya, in connection with Barachatty P.S. Case No. 477 of 2023 registered under Sections 323, 341, 308, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellants along with other co-accused persons are said to have abused and assaulted the informant

4. Learned counsel for the appellants submits that the appellant 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 there is no specific overt act against the appellants. Appellants has got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submitted that in the impugned order it is mentioned that injuries are serious, but injury report has not been enclosed in this application and case diary was not called for, therefore, it has not been verified whether injuries were found simple or grievous in nature.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellants, let the above named appellant, 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 Exclusive Special Judge SC/ST, Gaya, in connection with Barachatty P.S. Case No. 477 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. However, learned Court below is directed to verify the nature of injuries, if the injuries were found grievous in nature then the bail bond of the appellants shall not be accepted by the learned Court below.

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

9. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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