

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3892 of 2023

Arising Out of PS. Case No.-125 Year-2020 Thana- MAGADH UNIVERSITY District- Gaya

1. NIVASH KUMAR @ NIVAS KUMAR SINGH @ NEEWASH KUMAR SINGH S/O UPENDRA SINGH @ UPI SINGH R/O VILLAGE-KOSHILA, TOLA- JAYRAJ BIGHA, P.S- MAGADH UNIVESITY, DISTT.- GAYA.
2. ROHIT KUMAR S/O DILIP KUMAR SINGH @ DILIP SINGH R/O VILLAGE- KOSHILA, TOLA- JAYRAJ BIGHA, P.S- MAGADH UNIVESITY, DISTT.- GAYA.

... .. Appellant/s

Versus

1. The State of Bihar
2. MANJU DEVI W/O SHANKAR RAVIDAS RO VILLAGE- BAHERADIH, P.S- MAGADH UNIVERITY, DISTT.- GAYA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 08.11.2023, 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 23.01.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Magadh University P.S. Case No. 125 of 2020 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i)(r), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, both the appellants are said to have abused and assaulted the informant's son brutally with *danda* due to which he got injured.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault and abuse levelled against the appellants is not specific rather general and omnibus in nature. There is case and counter case between the parties. As per the FIR, there is allegation of assault on right hand of the injured, but the same is not supported by any injury report. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.



6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is no allegation against the appellants to abuse the informant's side by taking caste name, 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 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 the learned Exclusive Special Judge, SC/ST, Gaya in connection with Magadh University P.S. Case No. 125 of 2020, 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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