

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3952 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- PANDARAK District- Patna

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1. GORE LAL SINGH S/O LATE LADDU SINGH VILLAGE- PANDARAK
SURYAPUR TOLA, PS- PANDARAK, DIST- PATNA
 2. MANJU DEVI WIFE OF GORELAL SINGH VILLAGE- PANDARAK
SURYAPUR TOLA, PS- PANDARAK, DIST- PATNA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh, Adv.

For the Respondent/s : Mr.Sadanand Paswan, 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, he 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 04.08.2023 passed by learned Exclusive Special Judge, SC/ST Act, Patna in connection with Pandarak



P.S. Case No. 58 of 2023 registered under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, due to dispute regarding the government *Chapakal* which was situated at the door of the appellants, all the accused persons including the appellants are said to have assaulted the informant's side brutally and also abused them by taking the caste name.

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 ulterior motive. The allegation of assault and abuse levelled against the appellants is not specific rather general and omnibus in nature. No person got injured in the present case. No offence under SC/ST Act is made out against the appellants. They 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 from bare perusal of the record, it is evident that there is no specific



overt act 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 Act, Patna in connection with Pandarak P.S. Case No. 58 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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