

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4048 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- WAJIRGANJ District- Gaya

Pradeep Saw @ Pradeep Kumar S/O Sri Ashok Sah R/O Village- Hisua,
Nawada, Ps. Hisua, Dist. Nawada

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

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

For the Respondent/s : Ms. Usha Kumari 1, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

2. Learned Spl. P.P. for the State submits that vide order dated 08.11.2023, he informed the informant to appear in the present appeal through his 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 14.07.2023 passed by learned Exclusive Special Judge SC/ST Act, Special Court, Gaya in connection with Wajirganj P.S. Case No. 268 of 2023 registered under Sections 341, 323, 325, 504/34 of the Indian Penal Code and



Section 3(i), 3 (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegation against the appellant is that he took Rs.18,000/- in advance from the informant for a bus service for *barat* ceremony but on the event, he refused to do so.

5. It is submitted by learned counsel for the appellant that 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. He has been falsely implicated in the case due to village politics. The dispute arose between the staff of the appellant and informant. The appellant was not present at the place of occurrence. There is no specific allegation of abusing the informant by taking caste name. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

7. In the facts and circumstances of the case, the above named appellant, the appellant was not present at the place of occurrence, 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 Exclusive Special Judge SC/ST Act, Special Court, Gaya in connection with Wazirganj P.S. Case No. 268 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)

annpurna/-

U		T	
---	--	---	--

