

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4012 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- HASPURA District- Aurangabad

1. KAMLA DEVI WIFE OF KUSHESHWAR MAHTO RESIDENT OF VILLAGE - AHIYAPUR, P.S. - HASPURA, DISTRICT - AURANGABAD
2. BANTY KUMAR @ KUNDAN KUMAR VERMA @ KUNDAN KUMAR SON OF DEVENDRA MAHTO RESIDENT OF VILLAGE - AHIYAPUR, P.S. - HASPURA, DISTRICT - AURANGABAD
3. SANTU KUMAR SON OF KASHESHWAR MAHTO RESIDENT OF VILLAGE - AHIYAPUR, P.S. - HASPURA, DISTRICT - AURANGABAD
4. BHOLA KUMAR SON OF SHAKAL DEO THAKUR @ SAKALDEEP THAKUR RESIDENT OF VILLAGE - AHIYAPUR, P.S. - HASPURA, DISTRICT - AURANGABAD
5. KUNAL KUMAR @ CHHOTU KUMAR SON OF DEVENDRA MAHTO RESIDENT OF VILLAGE - AHIYAPUR, P.S. - HASPURA, DISTRICT - AURANGABAD
6. GOLU KUMAR SON OF MANOJ KUMAR SHARMA RESIDENT OF VILLAGE - PRANPUR, P.S. - BELAGANJ, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. CHANDESHWARI DEVI WIFE OF GANESHI RAM RESIDENT OF VILLAGE - AHIYAPUR, P.S. - HASPURA, DISTRICT - AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bindeshwar Prasad 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 08.05.2023 passed by learned Special Judge (SC/ST) Act- cum- 1st Additional District & Sessions Judge, Aurangabad in connection with Haspura P.S. Case No. 149 of 2022 registered under Sections 341, 323, 448, 354, 504, 506, 34 of the Indian Penal Code and Sections 3(I)(x)(w)(i)/3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including the appellants are said to have entered the house of the informant and assaulted the informant's side brutally. They 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. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants.



Appellants have one 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 general and omnibus allegation against the appellants to abuse the informant's side by taking caste name and the incident was taken place inside the house of the informant, 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 Special Judge, SC/ST, Aurangabad in connection with Haspura P.S. Case No. 149 of 2022, 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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