

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4083 of 2023

Arising Out of PS. Case No.-56 Year-2020 Thana- CHAKAND District- Gaya

1. Shaligram Sharma Son Of Sidhi Thakur @ Sidheshwar Thakur Village- Andaha Ps- Chakand Dist- Gaya
2. Sanjay Sharma son of Sidhi Thakur @ Sidheshwar Thakur Village- Andaha Ps- Chakand Dist- Gaya
3. Mantoo Kumar son of Sanjay Sharma Village- Andaha Ps- Chakand Dist- Gaya
4. Birju Thakur @ Birju Sharma son of Arik Thakur @ Arika Thakur Village- Andaha Ps- Chakand Dist- Gaya
5. Brahamdeo Thakur son of Birju Thakur Village- Andaha Ps- Chakand Dist- Gaya
6. Gaya Thakur son of Arik Thakur @ Arika Thakur Village- Andaha Ps- Chakand Dist- Gaya
7. Rinku Devi wife of Sanjay Sharma Village- Andaha Ps- Chakand Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi wife of Ashok Paswan Village- Amraha Ps- Chakand Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gajendra Kumar Singh, Adv
For the Respondent/s	:	Mr.Sadanand Paswan, Spl PP
For the Informant		Mr.Devendar Kumar, Advocate
		Mr. Amrendar Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 29-03-2024 Heard learned counsel for the appellant and learned
Spl P.P for the State.

2. This is an appeal under section 14 (A) (2) of the
Scheduled Castes and Scheduled Tribes against the refusal of
prayer for anticipatory bail vide order dated 21.07.2023 passed



by the^t learned Exclusive Special Judge (SC/ST) (POA) Act, Gaya in connection with Chakand P.S. Case no. 56 of 2020 A.B.P NO. 211 of 2023 registered for the alleged offences under sections 147, 149, 341, 323, 188, 354, 379, 504, 506 of the Indian Penal Code and Section 3(i) (r) (s) of the SC/ST(PoA) Act.

3. As per the prosecution case, all the FIR named accused persons assaulted the informant and her husband and daughter and also abused them by taking their caste name. They also snatched ear ring from the informant.

4. learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. The allegation of abusing against the appellants are general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence no offence under the provision of SC/ST Act is made out against the appellants. The appellants have clean antecedent stated in para-3 of the petition.

5. Learned Spl P.P for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of



the case as well as finding substance in the contention of learned counsel for the appellants, the impugned order dated 21.07.2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act , Gaya in connection with Chakand P.S. Case no. 56 of 2020 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Special Court, Gaya in connection with Chakand P.S.Case No. 56 of 2020, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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