

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4240 of 2023

Arising Out of PS. Case No.-339 Year-2023 Thana- GAYA MUFASIL District- Gaya

Vijay Yadav Son Of Parmeshwar Yadav Village- Budhi Paimar Ps- Muffasil
Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Jettan Manjhi son of Jawahar Manjhi Village- Budhi Paimar Ps-Muffasil
Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 01.11.2023, he has informed the informant/complainant but none is present on his/her behalf.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 14.08.2023, passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Muffasil P.S. Case No. 339 of 2023, registered under Sections 341, 323, 504, 506/34 of the



IPC and Sections 3(i) (r) (S) of SC/ST Act.

4. Appellant along with other accused persons are said to have assaulted the informant. They also abused him by taking caste name.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He submits that occurrence took place on 10.03.2023 but FIR has been lodged on 19.03.2023 after delay of 9 days. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

6. However, learned Special P.P. for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case, let the above named appellant in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in



connection with Muffasil P.S. Case No. 339 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
the appeal is allowed.

(Anjani Kumar Sharan, J)

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