

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4260 of 2023**

Arising Out of PS. Case No.-15 Year-2023 Thana- SC/ST District- Lakhisarai

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1. NITISH KUMAR Son of Shyam Mandal @ Sanjay Mandal R/o vill - Naya Tola ward no. 12, P.S. and Distt. - Lakhisarai
  2. Raju Kumar Son of Sanjay Mandal @ Shyam Mandal R/o vill - Naya Tola ward no. 12, P.S. and Distt. - Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Prithivi Kumar Son of Santosh Paswan R/o vill - Santar Mohalla ward no. 13, P.S. and Distt. - Lakhisarai

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Rajive Ranjan Singh  
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      07-02-2024

**Re: I.A. No. 01 of 2023**

This application has been filed for condonation of delay of 40 days in preferring the appeal.

2. After having considered the averments made in the application I am satisfied that the appellants had sufficient cause for not preferring the appeal within the prescribed statutory period. Accordingly, and in the interest of justice the delay in preferring this appeal is hereby condoned.

3. I.A. No. 01 of 2023 stands allowed.

4. Accordingly, I.A. No. 01 of 2023 stands disposed of.

**Cr. Appeal (SJ) No. 4260 of 2023**

Heard learned counsel for the appellants and learned



Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of order dated 01.11.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

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 03.05.2023 passed by learned Additional District and Sessions Judge 1<sup>st</sup> cum-Special Judge SC/ST, Lakhisarai, in connection with Lakhisarai SC/ST P.S. Case No. 15 of 2023 registered under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegation against the appellants is that they abused the informant by taking his case name and assaulted him with an intention to kill him.

5. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste, hence, no offence under SC/ST Act is made out against the appellant. He submits that there is no specific overt act against the appellants. He further submits that there is specific allegation against co-accused, Sunni Kumar and



Golu Kumar. He also submits that similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 20.09.2023 passed in Cr. Appeal (SJ) No. 2899 of 2023. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes prayer for anticipatory bail.

7. Considering the facts and circumstances of the case and the fact that similarly situated co-accused has been granted anticipatory bail by this Court, let 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 learned Additional District and Sessions Judge 1<sup>st</sup> cum-Special Judge SC/ST, Lakhisarai, in connection with Lakhisarai SC/ST P.S. Case No. 15 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)**

anand/-

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