

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4252 of 2023

Arising Out of PS. Case No.-340 Year-2021 Thana- MADANPUR District- Aurangabad

1. Dharmendra Kumar Verma @ Amrendra Son Of Kameshwar Mehta Village-
Aat Ps- Madanpur Dist- Aurangabad
2. Manoj Mahto Son Of Rajeshwar Mahto Village- Aat Ps- Madanpur Dist-
Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Surendra Ram son of Late Bhola Ram Village- Aat Ps- Madanpur Dist-
Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-02-2024 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 30.08.2023 passed by learned Special Judge
(SC/ST)-cum-1st Additional District and Sessions Judge,



Aurangabad, in connection with Madanpur P.S. Case No. 340 of 2021 registered under Sections 147, 148, 149, 341, 323, 307, 427, 354 of the Indian Penal Code and Sections 3(i)(r)(s), 3(I) (XIV) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellants along with other co-accused persons are said to have abused and assaulted the informant and pelted stones on the members of SC/ST category.

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 similarly situated co-accused have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 12.09.2022 passed in Cr. Appeal (SJ) No. 1902 of 2022. 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 have been granted anticipatory bail by a Co-ordinate Bench of 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 Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad, in connection with Madanpur P.S. Case No. 340 of 2021, 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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