

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4237 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Kundan Kumar Son Of Late Ramesh Yadav Resident Of Village- Gulariachak, Ps- Magadh Medical, District- Gaya
 2. Nitish Kumar @ Anikesh Kumar Son Of Mahesh Yadav Resident Of Village- Gulariachak, Ps- Magadh Medical, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Reeta Devi Wife Of Vinod Chowdhary Resident Of Village- Gulariachak, Ps- Magadh Medical, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manisha Prakash

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 appellants 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 08.08.2023, passed by learned Exclusive Special Judge, SC/ST Spl Court, Gaya in connection with Magadh Medical P.S. Case



No. 262 of 2023, registered under Sections 341, 323, 354(B), 379, 354, 504/34 of the IPC and Sections 3(i) (r) (S) of SC/ST Act.

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

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He submits that date and time has not been mentioned in the FIR. He further submits that appellant no. 1 has no criminal antecedent and appellant no. 2 has 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 and the fact that there is no specific overt act against the appellants, 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 the learned Exclusive Special Judge, SC/ST Spl Court, Gaya in connection with Magadh Medical P.S. Case No. 262 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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