

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4232 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- GHOSWARI District- Patna

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1. CHANDAN KUMAR SON OF BHASHO MAHTO VILLAGE-ISHANAGAR, SAHARI, PS- GHOSWARI SAHARI, DIST- PATNA
 2. DINESH MAHTO SON OF AYODHYA MAHTO VILLAGE-ISHANAGAR, PO- KARKAYAN, PS- GHOSWARI SAHARI, DIST- PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. CHANDRAMANI KUMAR SON OF BRIJNANDAN PASWAN VILLAGE- ISANAGAR, PS- GHOSWARI, DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

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. In compliance of the order dated 01.11.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance 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, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 11.08.2023 passed by learned Exclusive



Special Judge (SC/ST Act), Patna in connection with Ghoshwari P.S. Case No.97 of 2023, registered under Sections 341, 323, 308, 337, 427, 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants and other accused persons assaulted the informant's side and also abused by taking caste name.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. There is a case and counter-case between the parties. He further submits that the injuries are simple in nature, which is also apparent from the injury report enclosed in the case diary. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Having regard to the facts and circumstances of the case as the injuries are simple in nature, 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 Exclusive Special Judge (SC/ST Act), Patna in connection with Ghoshwari P.S. Case No.97 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)

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