

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4367 of 2023

Arising Out of PS. Case No.-263 Year-2023 Thana- KHAGAUL District- Patna

JAY PRAKASH S/O SANJAY SINGH R/O KHARANJA ROAD, SAGUNA
MORE, P.S- DANAPUR, DISTT.- PATNA.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. SUJATA DEVI W/O LATE SANJAY KUMAR R/O GADIKHANA
(GARIKHANA), P.S- KHAGAUL, DISTT.- PATNA.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4389 of 2023

Arising Out of PS. Case No.-263 Year-2023 Thana- KHAGAUL District- Patna

KUNDAN KUMAR SON OF VISHNU PASWAN@ KISHUN PASWAN
RESIDENT OF VILLAGE- GADIKHANA (GARIKHANA), PS-
KHAGAUL, DISTT- PATNA

... .. Appellant/s

Versus

- 1. THE STATE OF BIHAR
- 2. SUJATA DEVI WIFE OF LATE SANJAY KUMAR RESIDENT OF
VILLAGE- GADIKHANA (GARIKHANA), PS- KHAGAUL, DISTT-
PATNA

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 4367 of 2023)

For the Appellant/s : Mr. Ghanshyam Tiwary

For the Respondent/s : Mr. Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 4389 of 2023)

For the Appellant/s : Mr. Ghanshyam Tiwary

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 411-12-2024
1. Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. An order, dated 28.08.2023, passed by learned Exclusive



Special Court, SC/ST Act, Patna, in ABP No. 6594 of 2023 (for appellant in Cr. Appeal (SJ) No. 4367 of 2023) and ABP No. 6434 of 2023 (for appellant in Cr. Appeal (SJ) No. 4389 of 2023), is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Khagaul Police Station Case No. 263 of 2023 registered for the offence punishable under Sections 341/323/504/354/147/149/ of the Indian Penal Code, Sections 3 (1)(r)(s) and 3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act and Section 37(B)(C) of the Bihar Prohibition and Excise Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 16.06.2023, while the informant was standing in front of his house with her son, in the meanwhile 4-5 persons came there started fighting with her son and when the informant tried to save him, she was pushed and abused by her caste name.
4. Learned counsel for the appellants submits that the appellants have been made accused on the basis of



disclosure of their name by the arrested co-accused Satish Kumar, who was arrested by the police in drunken condition. He further submits that the allegation of abusing by caste name is not in full public view, rather the same has allegedly been taken in front of the house of the informant.

5. Despite information having been given by learned Special Public Prosecutor, no one appeared on behalf of the respondent no. 2.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact name of the appellants were disclosed by the arrested co-accused person, the caste name was not taken in full public view and no apparent injury has been caused to the informant, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 28.08.2023, passed by learned Exclusive Special Court, SC/ST Act, Patna, in ABP No. 6594 of 2023 and ABP No. 6434 of 2023, is set aside.
8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four



weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna, in connection with Khagaul Police Station Case No. 263 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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