

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4796 of 2023

Arising Out of PS. Case No.-362 Year-2023 Thana- KONCH District- Gaya

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1. LOKESH SHARAM @ LOKESH SHARMA SON OF RAMASHRAY SHARMA RESIDENT OF VILLAGE- PARSAWAN, P.S. KONCH, DISTT.- GAYA
 2. PREM SHARMA @ PREM RANJAN KUMAR SON OF MAHESH SHARMA RESIDENT OF VILLAGE- PARSAWAN, P.S. KONCH, DISTT.- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. ASHA DEVI WIFE OF ASHOK DAS RESIDENT OF VILLAGE- PARSAWAN, P.S. KONCH, DISTT.- GAYA

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. N.K. Aggrawal, Sr. Advocate Mr. Rohit Kumar Sharma, Advocate
For the State	:	Mr. Sadanand Paswan, , Spl.PP
For Respondent No. 2	:	Mr. Gajendra Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-08-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 14.09.2023, passed in a case registered for the offence punishable under Sections 323, 341, 324, 307, 504, 506 and 34 of the Indian Penal Code and Section 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. The prosecution case in brief is that on 28.07.2023 at about 7 PM, while son of informant went to attend call of



nature, in the meantime, these appellants came there and Appellant No. 1 assaulted him with knife and thereafter, Appellant No. 2 came with pistol and started abusing him by caste name.

4. It is submitted by learned senior counsel appearing on of the appellants that doctor has found the injuries allegedly caused by Appellant No. 1 to be simple in nature and there is no allegation of assault against Appellant No. 2. The F.I.R. does not disclose that any member of public was present at the place of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Act is made out against these appellants. Appellants claim clean antecedents.

5. On the other hand, learned Special PP for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 14.09.2023 passed by the Court of learned Exclusive Special Judge, S.C./S.T. Special Court, Gaya, in connection with A.B.P. No. 300 of 2023 is hereby set aside with respect to these appellants only.



7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Exclusive Special Judge, S.C./S.T. Special Court, Gaya, in connection with Konch P.S. No. 362 of 2023.

(Prabhat Kumar Singh, J)

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