

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4288 of 2022

Arising Out of PS. Case No.-838 Year-2022 Thana- BARACHATTI District- Gaya

1. MANOJ PRASAD @ MANOJ KUMAR S/o Sri Pachu Prasad R/o Village- Ajnawan, P.S.- Barachatti, Distt- Gaya.
2. Rainku Devi @ Rinku Verma W/o Sri Manoj Prasad R/o Village- Ajnawan, P.S.- Barachatti, Distt- Gaya.

... .. Appellants.

Versus

1. The State of Bihar
2. Satvir Chaudhary S/o Govind Chaudhary R/o Village- Ajnawan, P.S.- Barachatti, Distt- Gaya.

... .. Respondents.

Appearance :

For the Appellant/s	:	Mr. Prithivi Raj Singh
For the Respondent/s	:	Mr. Binay Krishna
		Md. Javed Jafar Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 24-01-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

2. 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 05.11.2022 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Barachatti P.S. Case No. 838 of 2022 registered under Sections 341, 323, 325 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. The appellants along with other co-accused are said to have slated and assaulted the mother and aunt of the informant while they were cutting grass in their field.

4. 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 and land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of three days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case as well as the fact that there is no specific allegation against appellant no.2, let the above named appellant no.2, in the event of his 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) with two sureties of the like amount each to the satisfaction of the



learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Barachatti P.S. Case No.838 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. In the facts and circumstances of the case as well as the fact that there is specific allegation against appellant no.1 of slating and assaulting, I am not inclined to enlarge the appellant no.1 on anticipatory bail. The prayer for anticipatory bail of appellant no.1 is hereby rejected. However, if the appellant no.1 surrenders before the learned Court below within six weeks from today and seek regular bail the learned Court below would pass order on the same day in accordance with law considering the fact that appellant no.1 has no criminal antecedent.

8. Accordingly, the impugned order is set aside in respect of appellant no.2 only and this appeal is partly allowed.

(Anjani Kumar Sharan, J)

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