

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5001 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- SC/ST District- Gaya

-
-
1. Shlok Kumar Son Of Suresh Mistri Resident Of Village- Iguna, Ps- Mufassil, Distt- Gaya
 2. Gopal Sharan Mistri Son Of Ram Prit Mistri Resident Of Village- Iguna, Ps- Mufassil, Distt- Gaya
 3. Shashi Sharma Son Of Late Sidhi Mistri Resident Of Village- Iguna, Ps- Mufassil, Distt- Gaya
 4. Subhash Kumar Son Of Late Sidhi Mistri Resident Of Village- Iguna, Ps- Mufassil, Distt- Gaya
 5. Banti Kumar Son Of Gopal Sharan Mistri Resident Of Village- Iguna, Ps- Mufassil, Distt- Gaya
 6. Subham Kumar @ Subham Kumar @ Sabham Kumar Son Of Gopal Sharan Mistri Resident Of Village- Iguna, Ps- Mufassil, Distt- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aryan Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-10-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned counsel for the appellants seeks permission
to withdraw this application with regard to appellant no. 2.

3. Permission is granted.

4. Accordingly, this application with regard to
appellant no. 2 is dismissed as withdrawn.

5. Now, this application is being heard only with
regard to appellants no. 1, 3 to 6.

6. Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.



7. Learned Spl. PP for the State, in compliance of order dated 08.02.2024, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

8. 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 21.07.2023 passed by learned Exclusive Special Judge SC/ST Special Court, Gaya, in connection with SC/ST P.S. Case No. 11 of 2023 registered under Sections 147, 149, 341, 323, 308, 337, 338, 354(A), 504, 427, 506 of the Indian Penal Code and Sections 3(i)(r)(s)(w), 3(2)(v) of the SC/ST Act.

9. As per the prosecution case, the appellants along with other co-accused persons are said to have abused the informant by taking his caste name and also assaulted him and his family members.

10. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. He submits that there is no specific overt act against these appellants. Appellants have got



no antecedent as mentioned in para-3 of memo of the appeal.

11. Learned Spl. PP for the State opposes prayer for bail and submits that there is specific allegation against one Gopal Sharan Mistri, who abused the informant by taking his caste name.

12. Considering the facts and circumstances of the case and the fact that there is no specific allegation against appellants no. 1, 3 to 6, let the above named appellants no. 1, 3 to 6, 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 learned Exclusive Special Judge SC/ST Special Court, Gaya, in connection with SC/ST P.S. Case No. 11 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

13. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

