

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5112 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- WAJIRGANJ District- Gaya

CHULBUL SINGH @ SATISH KUMAR son of Vijay Singh Village-
Bhindus Ps- Wazirganj Dist- Gaya, A/P- Vill- Hisua Ps- Hisua Dist- Nawada

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Suman Devi wife of Umesh Ram Village- Basua Ps- Wazirganj Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Atul Shankar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Though notice has been issued and validly served upon the respondent no. 2, but nobody appears on behalf of the respondent no. 2.

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 14.09.2023/07.10.2023 passed by learned Exclusive Special Judge, SC/ST Spl. Court, Gaya, in connection with Wazirganj P.S. Case No. 268 of 2023 registered under Sections 341, 323, 325, 504/34 of the Indian Penal Code and



Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellant along with other co-accused persons are said to have assaulted the informant and her husband.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste, hence, no offence under SC/ST Act is made out against the appellant. He submits that there is no specific overt act against the appellant. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

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

7. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellant, let the above named appellant, 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 learned Exclusive Special Judge, SC/ST Spl.



Court, Gaya, in connection with Wazirganj P.S. Case No. 268 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)

anand/-

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

