

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5212 of 2023

Arising Out of PS. Case No.-208 Year-2021 Thana- GAYA KOTWALI District- Gaya

SAJID @ SAJID ALI SON OF DUKHI MIAN R/O VILLAGE- RAMSHILA
MORE, P.S.- KOTWALI, DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. Raja Kumar @ Koyala Son of Bijay Manjhi R/O Mohalla Ramshila
Pahshwar, P.S. Kotawali Dist Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Yadav
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 22-11-2024 Heard learned counsel for the appellant and learned
Special P.P. for of the State. Despite valid service of notice,
nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated
15.09.2023 passed by learned Exclusive Special Judge, SC/ST
Spl. Court, Gaya in connection with Kotwali P.S. Case No. 208
of 2021, registered under Sections 147, 148, 149, 341, 323, 338,
307 of the Indian Penal Code, Sections 25(1-B)a, 27 of the
Arms Act and Section 3(1)(r)(s), 3(2)(va) of Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act (for short
“SC/ST Act”), whereby the prayer for anticipatory bail of
appellant has been rejected.



3. As per the prosecution case, on the alleged date and time of occurrence, the brother of informant was sitting in the shop of Indrishi situated near masjid, the co-accused Sahin, Sajid and Basul Mian assaulted him. It is further alleged that when informant went to complain, other F.I.R. named accused, including appellant, abused him with caste name and assaulted him with lathi and danda, due to which, he received injury on his head.

4. Learned counsel for the appellant submits that nature of allegation is general and omnibus and no specific overt act has been attributed to this appellant. In the entire F.I.R., there is no whisper about any abuse with caste name and as such, no case under the SC/ST Act is made out. There is case and counter case. Similarly situated co-accused persons have already been granted anticipatory bail by this Court, vide order dated 13.07.2022 in Cr.Appeal (SJ) No. 4767/2021 and order dated 27.07.2022 in Cr.Appeal (SJ) No. 4772/2021. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 15.09.2023 is, hereby,



set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten 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 Kotwali P.S. Case No. 208 of 2021.

(Prabhat Kumar Singh, J)

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