

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2799 of 2019**

Arising Out of PS. Case No.-172 Year-2019 Thana- SAHPUR District- Patna
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1. Amit Kumar @ Raja Kumar Son of Samsher Singh Resident of Village - Sahpur, P.S.- Sahpur, Dist.- Patna.
2. Golu Kumar Son of Shankar Singh Resident of Village - Sahpur, P.S.- Sahpur, Dist.- Patna.
3. Tamatar Son of Dinesh Thakur Resident of Village - Sahpur, P.S.- Sahpur, Dist.- Patna.
4. Amar Jeera Kumar Son of Ballu Mahto Resident of Village - Sahpur, P.S.- Sahpur, Dist.- Patna.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellants : Mr. Rudra Deo, Advocate.

For the Respondent : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 16-11-2019 Heard learned counsel for the appellants and learned
APP for the State.

2. The present appeal has been filed *“against the order dated 16.05.2019 passed by Special Judge SC/ST Act, Patna in A.B.P. No. 3606 of 2019 whereby and whereunder the applicant filed application for grant of anticipatory bail who have apprehended their arrest in Sahpur P.S. Case No. 172 of 2019 under Sections 341, 323, 504, 379/34 I.P.C. and 3(i)(r) SC/ST Act which was heard by learned Special Judge SC/ST Act and prayer for A.B.P. was refused on 16.05.2019.”*

3. It is submitted that the appellants have been falsely



implicated in the backdrop of dis-satisfaction expressed by some villagers and their relatives at the *bahoo bhoj* organized by the informant with regard to the quality of food served. There is case and counter case between the parties in which both sides have sustained injuries. It is submitted that the accusation of offence under the SC/ST Act are general and omnibus without any specific accusations attributed individually. The accusation under Section 379 IPC is mere embellishment while other offences alleged areailable. The appellants claim clean antecedents.

4. Learned APP appears and submits on the basis of case diary that the informant's side has sustained injury which are however simple in nature.

5. Considering that no specific accusation has been made against any of the appellants attracting the ingredients of offence under Section SC/ST Act and that the injuries sustained by the informant's side are simple in nature, in the event of the appellants' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named appellants be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge SC/ST Act, Patna in connection with Sahpur P.S. Case No. 172 of 2019 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and



also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the appellants.

(ii) That the appellants shall not indulge in any similar offence till conclusion of the trial.

(iii) That the appellants shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the appellants shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

6. The impugned order as concerns the present appellants is set aside. The appeal is allowed.

(Vikash Jain, J)

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