

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.240 of 2020

Arising Out of PS. Case No.-249 Year-2019 Thana- KHAIRA District- Saran

1. VIKESH SINGH @ VIKESH KUMAR SINGH Son of Manoj Singh Resident of Village- Chaipali, P.S.- Jalalpur, Distt- Saran at Chapra.
2. Manoj Singh @ Manoj Son of Shila Nath Singh Resident of Village- Chaipali, P.S.- Jalalpur, Distt- Saran at Chapra.
3. Anil Singh @ Anil Kumar Singh S/o Shila Nath Singh Resident of Village- Chaipali, P.S.- Jalalpur, Distt- Saran at Chapra.
4. Sunil Singh S/o Shila Nath Singh Resident of Village- Chaipali, P.S.- Jalalpur, Distt- Saran at Chapra.
5. Ganesh Singh Son of Tarkeshwar Singh Resident of Village- Chaipali, P.S.- Jalalpur, Distt- Saran at Chapra.
6. Sumit Singh @ Sumit Kumar Singh S/o Madan Singh Resident of Village- Chaipali, P.S.- Jalalpur, Distt- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satya Prakash, Adv.
For the Respondent/s : Mr.Usha Kumari, SPP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-12-2020 Heard the learned counsel for the appellants and the learned Special P.P. for the State.

At the outset, the learned counsel for the appellants seeks to withdraw the present appeal qua the appellant no. 2, in order to enable him to surrender before the learned court below and seek regular bail.

According, the present appeal qua the



appellant no. 2 stands disposed of as withdrawn, however, with liberty to him to surrender before the learned court below and seek regular bail.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 10.12.2019 passed by the learned Additional District and Sessions Judge, 1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in Anticipatory Bail Petition No. 3250 of 2019 arising out of Khaira P.S. Case No. 249 of 2019 registered under Sections 147, 341, 323, 324, 307, 427, 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been refused.

The case of the prosecution in brief as per the fardbeyan of the informant is that on 19.07.2019 at about 6:30 am. in the morning, when the informant had gone out to attend to call of nature and while he was returning back to his house and



had reached at the alleged place of occurrence, the appellants herein had stopped the informant, whereafter, the appellant no. 2 had abused the informant by taking his caste specific name, whereafter the appellants herein had assaulted the informant.

The learned counsel for the appellants has submitted that the appellants are innocent, they have been falsely implicated in the present case and they are having clean antecedent. The learned counsel for the appellants has submitted that as far as the allegation of abusing the informant by taking his caste specific name is concerned, the same has been levelled against the appellant no. 2, however, there is no such allegation as against the rest of the appellants, hence, no case is made out, as against them, under the provisions of the Scheduled Caste and Scheduled Tribe(Prevention of Atrocities) Act, 1989. It is further submitted that the informant has received simple injuries and a general and omnibus allegation has been levelled as against the other appellants.



Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the appellants and taking into account the materials available on record, this Court finds that the allegation of abusing the informant by taking his caste specific name has been levelled only against the appellant no. 2, hence, no case is made out against the rest of the appellants under the provisions of the Scheduled Caste and Scheduled Tribe(Prevention of Atrocities) Act, 1989. This Court further finds that a general and omnibus allegation has been levelled against the appellants and there is no allegation of any sort of specific overt act qua the appellants herein, hence, I deem it fit and proper to admit the appellant no. 1 and the appellants no. 3 to 6 to the privilege of anticipatory bail.

Accordingly, the appellant no. 1 and the appellants no. 3 to 6, above named, are directed to be released on anticipatory bail on furnishing bail



bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Khaira P.S.Case No. 249 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 10.12.2019 passed by the learned Additional District and Sessions Judge, 1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in Anticipatory Bail Petition No. 3250 of 2019 arising out of Khaira P.S. Case No. 249 of 2019 is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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