

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.467 of 2020**

Arising Out of PS. Case No.-85 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

1. ANIL PRASAD Son of Suresh Prasad
2. Shatrughna Das Son of Late Munna Das
3. Manoj Baitha Son of Kamal Baitha
4. Prem Chandra Prasad Son of Kailash Prasad
5. Kailash Prasad @ Kailash Bhagat Son of Charitra Bhagat
6. Krim Chandra Prasad @ Krim Chandra Kumar .
7. Guddu Kumar Son of Lalu Thakur all are Resident of Village- Banghara, P.S.- Siwaipatti, District- Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Jha
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 17-12-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceedings.

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 28.11.2019 passed by learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Siwaipatti P.S. Case No. 85 of 2019 registered under Sections 147, 149, 341, 323, 353, 379, 504, 506, 120B of the Indian Penal Code



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

When the informant arrived at the Doma Chowk chasing a Safari vehicle which was escaping after dashing a person, informant intercepted the vehicle and took it to Mangiya Chowk. In the meantime, 34 named and 50-60 unknown miscreants arrived there and slating the informant in the name of caste assaulted him and also blocked the road by putting the burning tyre on the road.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that allegation levelled against the appellants is not specific rather general and omnibus in nature. He submits that there is inordinate delay of four days in lodging the FIR without assigning any plausible explanation. He submits that similarly situated co-accused have been granted privilege of bail by this Court in Cr. Appeal No. 3401 of 2019 on 01.10.2019. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the



above named appellants 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 the learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Siwaipatti P.S. Case No. 85 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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