

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1763 of 2020

Arising Out of PS. Case No.-67 Year-2020 Thana- SIGAUDI District- Patna

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1. RUSTAM PATEL Son of Late Munni Singh @ Munni Lal Singh Resident of Village- Nadahari, P.S.- Sigori, District- Patna.
 2. Surja Kumar Son of Dharmendra Yadav @ Dharmendra Kumar Resident of Village- Nadahari, Police Station- Sigori, District- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Parashuram Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the appellants and Sri Sadanand Paswan, the learned Spl.P.P. for the State.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail vide order dated 13.06.2020, passed by the learned Additional Sessions Judge-VIII, Patna in anticipatory bail petition no. 2898 of 2020, arising out of Sigori PS case no. 67 of 2020 under Sections 341, 354/34 of Indian Penal Code



and 3(i)(r)(w) & 3/2 (va) of SC/ST (POA) Act.

The appellants are alleged to have hurled vulgar words upon the informant while she was going to market.

It is submitted by the learned counsel for the appellants that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that a general and omnibus allegation has been levelled against the appellants and there is no whisper in the FIR about the appellants having abused the informant by taking her caste name, hence the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not attracted in the present case.

Per contra, the learned Spl.PP for the State vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that a general and omnibus allegation has been levelled against the appellants and moreover, they are not alleged to have taken the caste name of the informant, I deem it fit and proper to admit the appellants to the privilege of anticipatory bail. Accordingly, let the abovenamed appellants, in the event of their arrest or surrender



before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Patna in connection with Sigori PS case no. 67 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

Accordingly, the impugned order dated 13.06.2020 passed by the court of learned Additional Sessions Judge-VIII, Patna in connection with Sigori PS case no. 67 of 2020 is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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