

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1786 of 2020**

Arising Out of PS. Case No.-224 Year-2019 Thana- DURAULI District- Siwan

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1. MANOJ SRIVASTAVA S/o Sri Narvada Prasad Srivastava Resident of Village-Gangpalia, P.S.-Darauli, District-Siwan.
 2. Amit Kumar Srivastava @ Amit Srivastava @ Amrit Srivastava S/o Sri Krishna Mohan Prasad Srivastava Resident of Village-Gangpalia, P.S.-Darauli, District-Siwan.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Anup Kumar Sharma S/o Ganesh Sharma Resident of Village-Gangpalia, P.S.-Darauli, District-Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 27-11-2020 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, requiring social distancing.

Heard the learned counsel appearing for the appellants and Shri Sadanand Paswan, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 18.07.2020 passed by the 1st Additional Sessions Judge-cum-Special Court, Siwan in Anticipatory Bail Petition No. 1139 of 2020 arising out of Darauli P.S. Case No.



224 of 2019 registered under Sections 341, 447, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r) (s) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been refused.

The allegation is regarding the accused persons including the appellants herein having arrived at the house of the informant whereafter they had engaged in abusing the informant. As far as the appellants herein are concerned, it is alleged that they were holding guns in their hands and were saying that the informant deserves to be killed whereafter the other accused persons had assaulted the informant by lathi (stick).

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and they are having clean antecedent. It is further submitted that as far as the appellants herein are concerned, there is no allegation of them having abused the informant by taking his caste name and moreover there is also no allegation of them having assaulted the informant, hence no case is made out under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 especially in view of



the fact that the appellants are not alleged to have even assaulted the informant. Lastly, it is submitted that though the date of occurrence is alleged to be 21.12.2019 but the FIR has been filed belatedly only on 29.12.2019.

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 and taking into account the fact that neither the appellants are stated to have assaulted the informant nor they are stated to have abused the informant by taking his caste name, I deem it fit and proper to admit the appellants to the privilege of anticipatory bail.

Accordingly, the appellants, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Court, Siwan in connection with Darauli P.S. Case No. 224 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 18.07.2020



passed by the 1st Additional Sessions Judge-cum-Special Court,
Siwan in Anticipatory Bail Petition No. 1139 of 2020 arising
out of Darauli P.S. Case No. 224 of 2019, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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