

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.233 of 2020

Arising Out of PS. Case No.-165 Year-2019 Thana- GANGABRIDGE District- Vaishali

1. Vikki Kumar Son of Suresh Ram Resident of Village- Nawada Khurd, P.S.- Ganga Bridge, Distt- Vaishali.
2. Guddu Kumar Son of Suresh Ram Resident of Village- Nawada Khurd, P.S.- Ganga Bridge, Distt- Vaishali.
3. Usha Devi W/o Suresh Ram Resident of Village- Nawada Khurd, P.S.- Ganga Bridge, Distt- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No 2

For the Respondent/s : Mrs.Usha Kumari 1, Special PP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-01-2021 Heard the learned counsel appearing for the appellants and Mrs. Usha Kumari-1, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 18.12.2019 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Hajipur (Vaishali) in Anticipatory Bail Petition No. 2875 of 2019 arising out of Ganga Bridge P.S. Case No. 165 of 2019 registered under Sections 147, 148, 149, 341, 323, 324, 427, 504, 506, 307 and 34 of the Indian Penal Code and Section 3(2) (v-a) 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 allegation is regarding the accused persons including the appellants herein having arrived at the shop of the informant,



whereafter they are alleged to have abused and assaulted the informant.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the appellants has further submitted that the present case has been filed as a counter blast to the case filed by the mother of the appellant no. 1 on 17.03.2019, with oblique motive. It is also submitted 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.

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 materials available on record as also considering the fact that the present case arises out of case and counter case, the case filed by the appellant no. 3 being first in time as also considering the fact that a general and omnibus allegation has been levelled and further no specific allegation has been levelled against the appellants of them having taken caste specific name, for the purposes of abusing the informant, I find that prima facie no case is made out under the provisions of the Scheduled



Caste and Scheduled Tribe(Prevention of Atrocities) Act, 1989, hence I deem it fit and proper to direct for release of the appellants on anticipatory bail.

Accordingly, the appellants, 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 Sessions Judge-1st-cum-Special Judge, Hajipur (Vaishali) in connection with Ganga Bridge P.S. Case No. 165 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 18.12.2019 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Hajipur (Vaishali) in Anticipatory Bail Petition No. 2875 of 2019 arising out of Ganga Bridge P.S. Case No. 165 of 2019, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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