

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.273 of 2020**

Arising Out of PS. Case No.-84 Year-2019 Thana- KAKO District- Jehanabad

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1. DALMOT RAM Son of Late Ramanand Ram Resident of Village- Ghatkan, P.S.- Kako, Distt- Jehanabad.
 2. Sagar Kumar S/o Dalmot Ram Resident of Village- Ghatkan, P.S.- Kako, Distt- Jehanabad.
 3. Munna Kumar S/o Dalmot Ram Resident of Village- Ghatkan, P.S.- Kako, Distt- Jehanabad.
 4. Sanni Kumar Son of Sunil Ram Resident of Village- Ghatkan, P.S.- Kako, Distt- Jehanabad.
 5. Munna Kumar S/o Gautam Ram @ Uttam Ram Resident of Village- Ghatkan, P.S.- Kako, Distt- Jehanabad.
 6. Rauki Ram @ Rauki Kumar S/o Devta Ram Resident of Village- Ghatkan, P.S.- Kako, Distt- Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ghatkan Das S/o Late Lakhan Mochi Resident of Village- Ghatkan, P.S.- Kako, Distt- Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-01-2021 Heard the learned counsel for the appellants
and Sri Binay Krishna, 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 (hereinafter
referred to as “the Act, 1989”) against the refusal of prayer
of anticipatory bail vide order dated 15.09.2020, passed by



the learned Additional Sessions Judge-1st, Jehanabad in anticipatory bail petition no. 436 of 2019, arising out of Kako PS case no. 84 of 2019 under Sections 147, 341, 504, 506 of Indian Penal Code and 3(i)(r)(s) of the Act, 1989.

The allegation is regarding the accused persons i.e. the appellants herein having 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. It is further submitted by the learned counsel for the appellants that a general and omnibus allegation has been levelled against the appellants and no specific caste name is alleged to have been taken by the appellants for the purposes of abusing the informant, hence no case is made under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Per contra, the learned Spl.PP 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 parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the appellants and no specific caste name is alleged to have been taken by the appellants, *prima facie*, it appears that no offence is made out under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, thus 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 1st, Jehanabad in connection with Kako PS case no. 84 of 2019, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

Accordingly, the impugned order dated 15.05.2019 passed by the court of learned Additional



Sessions Judge 1st, Jehanabad in connection with Kako PS
case no. 84 of 2019 is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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