

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2368 of 2021**

Arising Out of PS. Case No.-312 Year-2020 Thana- SALIMPUR District- Patna

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SANTOSH CHANDRAVANSHI @ SANTOSH KUMAR
CHANDRAVANSHI S/o Chandravanshi @ Late Badhan Chandravanshi @
Late Badhun Ram R/o village- Muradpur, P.S.- Salimpur, Distict- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Binit Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

2 24-06-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 12.02.2021 passed in Spl. Case No.480 of 2020 by learned Special Judge, SC/ST, Patna in connection with Salimpur P.S. Case No.312 of 2020 registered under sections 147, 148, 149, 323, 324, 504, 326 and 307 of the IPC and sections 3(i)/(r)/(s)/3(2) (va) of the SC/ST Act.

The prosecution case in short is that the appellant with other accused persons armed with sharp cut knife and iron rod etc. came at the house of the informant and started to abuse



saying the caste name and they brutally assaulted several persons of the informant side including the informant.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has not committed any offence. He has been falsely implicated in the present case due to dirty village politics. No such occurrence has taken place and the allegations are concocted. There is a case and counter-case between the parties. No specific allegation is alleged against the appellant except that he was a member of the unlawful assembly and as such, the allegations are general and omnibus in nature. The specific allegation of assault is attributed to other accused persons. The accusation does not constitute any offence under SC/ST Act inasmuch as there is no allegation that the alleged occurrence has taken place in public or the appellant has used any caste specific name. The appellant has been languishing in custody since 16.11.2020 and has no criminal antecedent.

Learned Spl. PP for the State vehemently opposed the prayer for bail by submitting that the allegations are serious in nature and the appellant does not deserve the privilege of bail.

Considering the aforesaid facts, the period of custody and that there is a general and omnibus allegation against the appellant, the above named appellant is directed to be released



on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Patna in connection with Salimpur P.S. Case No.312 of 2020.

Impugned order dated 12.02.2021 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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