

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.147 of 2021**

Arising Out of PS. Case No.-79 Year-2020 Thana- PIRPAINTI District- Bhagalpur

1. TURAI CHAUDHARY @ TURAY PARIHAR S/o Late Changuri Chaudhary Resident of Village- Mohanpur, Jali Tola, P.S.- Pirapainti, Distt- Bhagalpur.
2. Vijay Chaudhary @ Vijay Parihar S/o- Late Srichan Chaudhary Resident of Village- Mohanpur, Jali Tola, P.S.- Pirapainti, Distt- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gopal Prasad Roy, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.

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

3 18-11-2021 Heard the parties.

Learned counsel for the appellants is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

This is an appeal under section 14A (1) & (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 19-09-2020 passed by learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur, in connection with Pirpainti (Bakharpur) P.S. Case No.79 of 2020,



registered u/s 147, 149, 341, 323, 448, 307, 504 and 506 of the IPC and sections 3(1)(r)(s) and 3(2) (Ua) of the SC/ST Act.

The prosecution case in brief, is that while the informant was in his house, he prohibited the appellant no.1 from abusing, upon which he assaulted with lathi on the head of informant and when his mother tried to save him, she was assaulted by lathi by appellant no.2.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They are quite innocent and have not committed any offence. The appellants have no concern with the aforesaid occurrence and have been falsely implicated in the case with oblique purpose and malafide intention. There is case and counter-case between the parties. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that no offence under sections of SC and ST Act is made out against the appellants as they too belong to SC category and bare reading of section-3(1) & 3(2) of SC/ST Act, it is evident that the same is applicable only against non-SC/ST caste as such section-18(a) also not come in the picture. There is no ingredient on record to attract the offence under section 307 IPC against the appellants as the injuries are found to be simple in nature and all other sections are



bailable. The appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail but fairly submitted that the appellants belong to the SC category.

In the facts and circumstance of the case, I am inclined to grant anticipatory bail to the appellants without hearing the informant because the appellants also belongs to the SC category.

Accordingly, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur, in connection with Pirpainti (Bakharpur) P.S. Case No.79 of 2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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