

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4157 of 2021

Arising Out of PS. Case No.-436 Year-2016 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Virendra Paswan S/O Hira Paswan.
 2. Chhotu Kumar S/o Bindeshwar Paswan.
 3. Vicky Kumar S/O Bindeshwar Paswan all R/o Village - Dumari Majhauria,
P.S. - Sadar, District - Muzaffarpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajiv Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-11-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(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 of bail vide order dated 02.09.2021 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Sadar P.S. Case No. 436 of 2016 registered under Sections 147, 148, 149, 448, 341, 323, 342, 325, 326, 337, 307, 379, 302, 120B of the Indian Penal Code and Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



All the eighteen persons named in the FIR with a view to kill Santosh Choudhary assaulted with brick. It is alleged in the FIR that Umesh Paswan assaulted him on back of neck with Hasuli and Mahesh Paswan cut the nerve of his leg and Sunil Paswan snatched Rs. 20,000/- from his packet.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that there is no specific allegation against the appellants rather allegation levelled against the appellants is general and omnibus. He submits that similarly situated co-accused have been granted privilege of bail by coordinate Bench of this Court in Cr. Appeal No. 835 of 2016 on 23.11.2016 and Cr. Appeal No. 854 of 2016 on 22.12.2016. He submits that both parties belong to the same community, therefore, SC/ST Act is not applicable against the appellants. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition and they are languishing in judicial custody since 16.08.2016.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the fact that there is general and omnibus allegation against the appellant, the above named



appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Sadar P.S. Case No. 436 of 2016.

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

(Anjani Kumar Sharan, J)

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