

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3163 of 2019**

Arising Out of PS. Case No.-143 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

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1. OM PRAKASH SINGH Son of Late Sampat Kumar Singh.
 2. Karishma Devi W/o Om Prakash Singh both Resident of Village - Dhamar, P.S.- Ara Mufassil, Dist.- Bhojpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Santosh Kumar Sarwan S/O Sri Deopujan Ram R/o Vill-Fingi Tola P.S.- Bihia, District-Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh
For the Respondent/s : Ms. Usha Kumari 1

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

10 01-12-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Though, the informant has appeared through
Vakalatnama but nobody appears on behalf of the appellants.

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 anticipatory bail
vide order dated 01.07.2019 passed by learned Additional
Sessions Judge 1st Bhojpur at Ara in connection with SC/ST
Case No. 67 of 2019 arising out of Ara Mufassil P.S. Case No.
143 of 2019 registered under Sections 406, 420, 120B, 323, 504,



506/34 of the Indian Penal Code and Sections 3 (i) (r) (s), 3 (2) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case with a view to grab the money of appellants as well as with a view to take a revenge. He submits that there is inordinate delay of two days in lodging the FIR without assigning any plausible explanation. He submits that no case under SC/ST Act is made out against the appellants because said occurrence did not take place in public place. He submits that earlier the appellants have filed the complaint case against the informant thereafter the informant has filed the present FIR against the appellants. He further submits that appellant no. 1 bears one criminal antecedent as stated in para-3 of this petition whereas appellant no. 2 bears no criminal antecedent.

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

Considering the facts and circumstances of the case and the fact that the informant has implicated the appellants merely on money dispute, 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 enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st Bhojpur at Ara in connection with SC/ST Case No. 67 of 2019 arising out of Ara Mufassil P.S. Case No. 143 of 2019, 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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