

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4158 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- MASHRAK District- Saran

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1. YOGENDRA SINGH @ YOGENDRA PRASAD SINGH Son of Late Sabha Singh Resident of Village- Sonauli, P.S. - Mashrakh, District- Saran.
 2. Santosh Singh @ Santosh Kumar Son of Yogendra Singh @ Yogendra Prasad Singh Resident of Village- Sonauli, P.S. - Mashrakh, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Man Mohan Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 29-11-2021 Heard the parties.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 18-04-2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra, in connection with Mashrakh P.S. Case No.25 of 2019, registered under sections 447, 323, 504/34 of the IPC and sections 3(1)(R)(W) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that on the alleged date the informant of occurrence, the appellants along with five



unknown persons came at the door of informant and began to abuse him by taking caste name and pressurised him to put his signature on blank register for selection of Secretary of ward member. On denial, the accused persons assaulted him by leg, shoes, slap and blow and took him dragging on the road and assaulted there continuously. On gathering of crowd, they fled.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and has committed no such offence. The appellants have no concern with the aforesaid occurrence and have been falsely implicated in the case due to political rivalry. No offence under SC/ST Act is made out against the appellants. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that alleged occurrence has taken place in public view and the said occurrence is said to have taken place at the door of the informant. It is further submitted that there is a compromise between the parties and in support thereof the certified copy of the compromise petition is enclosed in the memo of appeal. It is submitted that the informant has also died due to Covid-19 during pendency of this appeal. The appellant no.1 has no



criminal antecedent and appellant no.2 has one antecedent.

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

Since there is a compromise between the parties, there is no necessity to issue notice to the informant/his heirs.

In the facts and circumstance of the case, 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 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra, in connection with Mashraikh P.S. Case No.25 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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