

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.244 of 2022

Arising Out of PS. Case No.-547 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. Bhushan Kumar Son of Sahdev Prasad Resident of Village- Lala Amouna, Tarar, P.S.- Daudnagar, District- Aurangabad.
2. Varun Kumar S/o Sahdev Prasad Resident of Village- Lala Amouna, Tarar, P.S.- Daudnagar, District- Aurangabad.
3. Arun Kumar Son of Sahdev Prasad Resident of Village- Lala Amouna, Tarar, P.S.- Daudnagar, District- Aurangabad.
4. Dharmendra Kumar Son of Shiv Pujan Prasad Resident of Village- Lala Amouna, Tarar, P.S.- Daudnagar, District- Aurangabad.
5. Manish Kumar S/o Ashok Prasad Resident of Village- Lala Amouna, Tarar, P.S.- Daudnagar, District- Aurangabad.
6. Anshu Kumar @ Naveen Kumar Son of Arun Kumar Resident of Village- Lala Amouna, Tarar, P.S.- Daudnagar, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Kumar S/o Manikchand Paswan Resident of Village- Lala Amauna, P.S.- Daudnagar, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rupa Kumari
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

22.12.2021 passed by the learned Additional District &

Sessions Judge-I-cum-Special Judge, SC/ST Act,

Aurangabad in connection with Daudnagar P.S. Case No.



547 of 2021 instituted for the offences punishable under Sections 341, 323, 504, 34 of the Indian Penal Code and Section 3(1)(r)(s), 2(Va) of the SC & ST (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.

The accusations are of making assault and abusing by calling caste name.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case and in the background of some petty dispute, the present case has been lodged. As per F.I.R, the occurrence took place in the house, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellants. There is general and omnibus allegation against the appellants. Moreover, for the alleged occurrence of 20.10.2021, F.I.R has been registered on 21.10.2021. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.



Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 22.12.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Aurangabad.

Accordingly, this appeal is allowed.

The appellants, above named are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Aurangabad in connection with Daudnagar P.S. Case No. 547 of 2021.

(Sunil Kumar Panwar, J)

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