

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.624 of 2022

Arising Out of PS. Case No.-333 Year-2021 Thana- BIKRAM District- Patna

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1. HARERAM PAL SON OF BHOLA BHAGAT R/O VILLAGE- BARKI BALIYARI, P.O.- ARAP, P.S.- BIKRAM, DISTRICT- PATNA
 2. VIKASH KUMAR @ VIKASH PAL SON OF NAVLESH PAL R/O VILLAGE- BARKI BALIYARI, P.O.- ARAP, P.S.- BIKRAM, DISTRICT- PATNA
 3. SUDHIR KUMAR @ SUDHIR PAL SON OF SUBA LAL BHAGAT R/O VILLAGE- BARKI BALIYARI, P.O.- ARAP, P.S.- BIKRAM, DISTRICT- PATNA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shyameshwar Kumar Singh, Adv
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P. Mr. Manoj Kumar Manoj, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-07-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Learned counsel for the appellants seeks permission to withdraw this appeal for appellant no.2, as the appellant named above has already been arrested by the police during the pendency of the present appeal.

Permission is granted.



Accordingly, the instant appeal as against appellant no.2 is dismissed as withdrawn.

Now, this appeal is being heard with regard to the rest of the appellants.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 02.02.2022, passed by learned court of Special Judge, S.C./S.T. Act, Patna, in connection with Bikram P.S. Case No. 333 of 2021 registered under sections 341, 323, 504, 506/34 of the Indian Penal Code and 3(i),(r),(s)/3(2)(va) of S.C./S.T. Act, 1989.

Allegedly, the appellants came to the shop of the informant and abused him by taking caste name. It is also alleged that the appellants threatened to kill the informant.

Learned counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case due to dirty village politics. No such occurrence as alleged has ever taken place. It is submitted that there is general and omnibus allegation against the appellants. It is further submitted that in the alleged occurrence took place on 05.12.2021 and the F.I.R. was lodged on 11.12.2021 i.e. after delay of 4 days, without any



plausible explanation regarding the delay. There is no specific overt act against the appellants. The appellants have no criminal antecedent, as also mentioned in para-3 of the memo of appeal.

Learned Spl.P.P for the State and learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is no specific allegation of abuse by taking caste name and keeping in view the delay in lodging the F.I.R., let the appellants named above, 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 court of Special Judge, S.C./S.T. (POA) Act, Patna in connection with Bikram P.S. Case No. 333 of 2021, 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 partly allowed.

(Anjani Kumar Sharan, J)

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