

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1871 of 2021**

Arising Out of PS. Case No.-172 Year-2020 Thana- AMDABAD District- Katihar

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1. Rabiul, Son of Seikh Mojim, R/o Village Amdabad, P.S. Amdabad, District Katihar.
 2. Aarif, Son of Seikh Buddu, Resident of Village Amdabad, P.S. Amdabad, District Katihar.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rajesh Kumar Das, S/o Buchin Das, Resident of Village Gopalpur, P.S. Amdabad, District Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Om Prakash Singh
For the Respondent/s : Mr. Binay Krishna

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

3 30-06-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

By order dated 12.04.2022, notice was issued to respondent no.2. The office points out that notice has validly been served upon respondent no.2, but today nobody appears on behalf of respondent no.2.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 02.12.2020, passed by learned 1st Additional Sessions Judge-



cum-Special Judge, SC/ST Act, Katihar in connection with Amdabad P.S. Case No.172 of 2020, registered under Sections 147, 148, 149, 323, 307, 325 and 379 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

The FIR named accused persons including the appellants and 150 unknown persons are said to have assaulted the informant by means of lathi and rod. The informant sustained injuries on his right hand, head and back. The accused persons also snatched Rs.5000/- from the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that there is case and counter case between the parties. It is submitted that there is nothing on record to show that the appellants have abused the informant by naming his caste. It is further submitted that the injuries sustained by the informant are simple in nature (Annexure-3). It is lastly submitted that the appellants have got no criminal antecedent as stated in para-3 of the memo of appeal.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Taking into consideration the facts aforesaid and the facts that there is nothing on record to show that the appellants



have abused the informant by naming his caste and the injuries sustained by the informant are simple in nature, let appellants, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act at Katihar in connection with Amdabad P.S. Case No.172 of 2020, subject to the conditions 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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