

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1650 of 2021

Arising Out of PS. Case No.-9 Year-2019 Thana- SC/ST District- Nawada

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1. Rajkumar Sharma Son Of Late Nanhu Sharma Resident Of Village- Maulanagar P.S. Hisua District- Nawada.
 2. Pankaj Sharma Son Of Rajkumar Sharma Resident Of Village- Maulanagar P.S. Hisua District- Nawada.
 3. Pawan Sharma Son Of Rajkumar Sharma Resident Of Village- Maulanagar P.S. Hisua District- Nawada.
 4. Bablu Singh Son Of Binda Singh Resident Of Village- Maulanagar P.S. Hisua District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rubi Devi wife of Sanjay Manjhi R/O Vill- Maula Nagar, P.S.- Hisua, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

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 06.11.2020, passed by learned Additional District & Sessions Judge-1st-cum-Special Judge, Nawada in connection with SC/ST P.S. Case No.09 of 2019, registered under Sections 341,



323, 504 and 448 of the Indian Penal Code and Sections 3(i)(r) (s) of the SC/ST Act.

By order dated 11.04.2022, notice was issued to respondent no.2. The office points out that the notice has validly been served upon respondent no.2, but today nobody appears on her behalf.

The appellants are said to have abused and assaulted the informant. When the mother-in-law of the informant came to save her, she was also assaulted by the appellants. Appellant No.1, Raj Kumar Sharma snatched the earring made of gold from the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is general and omnibus allegation against the appellants. It is further submitted that the appellants have not abused the informant by naming her caste. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal.

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

Having considered the facts that there is no specific allegation against the appellants and the appellants have not



abused the informant by naming her caste, 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 released 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 Additional District & Sessions Judge-1st-cum-Special Judge, Nawada in connection with SC/ST P.S. Case No.09 of 2019, 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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