

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1652 of 2021**

Arising Out of PS. Case No.-580 Year-2020 Thana- FATUA District- Patna

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1. AMIT KUMAR @ VISHKARMA SON OF BIRENDRA PRASAD  
RESIDENT OF MOHALLA- MOZIPUR, P.S.- NADI THANA, DISTRICT-  
PATNA
  2. GAURAV KUMAR SON OF DINESH PRASAD RESIDENT OF  
MOHALLA- MOZIPUR, P.S.- NADI THANA, DISTRICT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishal Kumar Manoj Paswan Resident -Jafarabad, P.S.-Nadi, District -Patna

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rudal Singh, Adv  
For the Respondent/s : Mr. Binay Krishna, Spl.P.P

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

4      25-07-2022      Heard the parties.

Vide order dated 11.04.2022, notice was issued to the respondent no.2. The office points out that the notice has been received by the father of the respondent no.2.

Learned counsel for the appellants has filed a jointness petition in which at para -2 he states that the informant and his all brothers with father are residing jointly in the same house. Hence, the notice has been served validly to the respondent no.2, but nobody appears on his behalf.

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 07.12.2020, passed by learned Additional District Judge-III-cum-Special Judge, SC/ST, Patna in connection with Fatuha P.S. Case No. 580 of 2020 registered under sections 341, 323, 308, 504, 34 of the Indian Penal Code and 3 (i) (r) (s) of SC/ST Act.

Allegedly, the appellants alongwith other co-accused persons abused and assaulted the informant while he was going to take admission in school with his family members due to which he sustained injuries.

Learned counsel for the appellants submits that appellants are quite innocent and have not committed any offence as alleged in the FIR. Appellants have been falsely implicated in this case at the instance of his enemies. All the allegations leveled against the appellants are fabricated based on dirty village politics. The appellants have neither been arrested on the spot nor any discriminating articles has been recovered from their possession. He further submits that there is no specific allegation of abuse by taking caste name. The injuries are simple in nature. Appellants have no criminal antecedent, as also mentioned in para-3 of the memo of the appeal.



Considering the aforesaid facts and circumstances, since there is no specific allegation of abuse by taking caste name, let the appellants named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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 the learned Special Judge SC/ST Act, Patna, in connection with Fatuha P.S. Case No.580 of 2020, 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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