

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.647 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- HALSI District- Lakhisarai

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SUNIL RAM S/o Baleshwar Ram R/o Village - Gohri, Post - Nandnama, P.S.
- Ramgarah Chowk, District - Lakhisarai, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Tanti S/o Sado Tanti R/o Village - Nandnama, P.S. - Ramgarah Chowk, District - Lakhisarai, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, ADvocate Mr. Aryan Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.
For the Respondent No.2:		Mr. Saroj Kumar Suman, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-08-2022 Heard learned counsel for the appellant, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

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

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail



vide order dated 03.02.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Lakhisarai in connection with Halsi Ramgarh Chauk P.S. Case No. 02 of 2022 registered under Sections 379 & 307/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant in association of other named co-accused is said to have come to the house of the informant slated him and also resorted firing which hit in his leg. The reason behind the occurrence is said to be land dispute.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to previous enmity. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is admitted land dispute between the parties. It is further submitted that the informant belongs to Tanti caste which does not come under the SC or ST, hence SC/ST Act is not applicable against the



appellant. No incriminating article has been recovered from the conscious physical possession of the appellant, hence, Section 379 IPC is not applicable in the case of the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Lakhisarai in connection with Halsi Ramgarh Chauk P.S. Case No.02 of 2022, 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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