

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1008 of 2020

Arising Out of PS. Case No.-1 Year-2017 Thana- SC/ST District- Bhagalpur

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1. Shiv Singh @ Shiv Shankar Singh Son Of Late Wakil Singh Resident Of Village - Saidpur Kathon, P.S.- Sajaur, District- Bhagalpur
 2. Binod Singh Son Of Bilash Singh Resident Of Village - Saidpur Kathon, P.S.- Sajaur, District- Bhagalpur
 3. Ramesh Singh @ Raghu Singh Son Of Bilash Singh Resident Of Village - Saidpur Kathon, P.S.- Sajaur, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmdeo Das Son of Late Kedar Das Resident of village- Narayanpur, P.S.- Kajraili, P.O.- Simaria, Dist- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Praveen Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 29-09-2022 Learned counsel for the appellants seeks permission to withdraw this appeal with regard to appellant no. 1.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn with regard to appellant no. 1.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Though the Vakalatnama has already been filed on behalf of respondent no. 2 but no one has appeared 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 bail vide order dated 13.12.2019, passed by learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with SC/ST Bhagalpur P.S. Case No. 01 of 2017, registered under Sections 341, 323, 504, 506, 379, 34 of the IPC and Sections 3(i) (r), 3(2) (va) of SC/ST Act.

Appellant are said to have abused the informant by taking caste name and also assaulted him.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is no specific overt act against the appellant nos. 2 and 3 to abuse the informant by taking caste name. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellant nos. 2 and 3 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 bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge, Bhagalpur in connection with SC/ST Bhagalpur P.S. Case No. 01 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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