

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2269 of 2021

Arising Out of PS. Case No.-66 Year-2016 Thana- PIRI BAZAR District- Lakhisarai

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1. OM PRAKASH VERMA Son of Late Sundar Prasad @ Sundar Sao Resident of Village- Maheshpur, P.S.- Piri Bazar, District- Lakhisarai.
 2. Manju Devi Wife of Om Prakash Verma Resident of Village- Maheshpur, P.S.- Piri Bazar, District- Lakhisarai.
 3. Vikas Kumar @ Viksah Kumar Son of Om Prakash Verma Resident of Village- Maheshpur, P.S.- Piri Bazar, District- Lakhisarai.
 4. Amit Kumar Son of Om Prakash Verma Resident of Village- Maheshpur, P.S.- Piri Bazar, District- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajit Kumar Baleshwar Paswan R/o Village-Maheshpur, P.S.-Piri Bazar, District-Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Irshad, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 01-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants filed a supplementary affidavit in the Court today in compliance of Court's order dated 29.09.2022. Let it be kept on record.

At para-5 of the supplementary affidavit, it is stated that the Jointness petition is being filed as the sister-in-law of the respondent no.2, who has received the notice is residing in the



same house with respondent no.2.

Considering the statement made at para-5 of the supplementary affidavit, the notice is said to be validly served upon respondent no.2 but despite valid service of notice, nobody has entered appearance on his behalf.

Learned counsel for the appellants is directed to remove the defects as pointed out by the office, within four weeks.

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 12.02.2021, passed by learned Additional Sessions Judge-1st-cum- Special Judge, SC/ST Act, Lakhisarai, in connection with Piri Bazar P.S. Case No.66 of 2016, registered u/s 341/323/504 and 506 IPC and sections 3(i)(x) SC/ST Act.

Allegedly, the prosecution case in short is that the informant of this case was trying to take water from hand pump, then F.I.R. named accused persons including the appellants prohibited him from taking water and abused by taking his caste name.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence.



No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. Appellants have no criminal antecedent, which is also mentioned at para-3 of the memo of appeal. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against the appellants rather a general and omnibus allegation has been levelled against all the appellants to abuse the informant. It is further submitted that the occurrence is alleged to have taken place on 08.12.2014 but the complaint case was filed on 14.01.2015, i.e. after a delay of more than one month and such an unexplained delay creates doubt about the prosecution case.

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

Considering the facts and circumstances of the case, since there is no specific allegation against any of the appellants to abuse the informant by taking caste name, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum- Special Judge, SC/ST Act,



Lakhisarai, in connection with Piri Bazar P.S. Case No.66 of 2016, 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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