

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2303 of 2021

Arising Out of PS. Case No.-166 Year-2020 Thana- PUNAURA District- Sitamarhi

1. LAKHANDEO SINGH S/O LATE BAHRU SINGH R/O VILLAGE-RAMPUR PARORI, P.S-PUNAURA, DISTRICT-SITAMARHI.
2. SATISH SINGH S/O LAKHANDEO SINGH R/O VILLAGE-RAMPUR PARORI, P.S-PUNAURA, DISTRICT-SITAMARHI.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2022

At the very outset, learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.2 submitting that during pendency of this appeal appellant no.2 has already been apprehended.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.2 only.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State with regard to the prayer for bail of appellant no.1-Lakhandeo Singh.

Learned counsel for the appellant undertakes to remove the defects within four weeks. 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 23.02.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with Punaura P.S. Case No. 166 of 2020 registered under Sections 341, 323, 325, 354A & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the named accused persons along with this appellant no.1 is said to have come to house of the informant and started throwing bricks and wood with an intention to kill the informant and his family members. They also abused them by taking their caste name.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to land dispute, annoyance and for black mailing purpose and they have not committed any overt act. The allegation of assault levelled against the appellants 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 informant and not in public view, hence no offence under SC/ST Act is made out against the



appellant. The learned lower Court has mentioned the injury in the impugned order as simple in nature. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant no.1, 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), Sitamarhi in connection with Punaure P.S. Case No.166 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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