

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1344 of 2022**

Arising Out of PS. Case No.-259 Year-2021 Thana- JAMUI District- Jamui

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1. ANSHU KUMAR SINHA SON OF BHUPENDRA PRASAD SINHA R/O VILLAGE- SANGTHU, P.S. AND DISTRICT- JAMUI
 2. SUSHIL KUMAR SINHA SON OF BHUPENDRA PRASAD SINHA R/O VILLAGE- SANGTHU, P.S. AND DISTRICT- JAMUI

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMADHAR PASWAN SON OF LATE SARYUG PASWAN R/O VILLAGE- SANGHATHU, P.S. AND DISTRICT- JAMUI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 22-12-2022 Heard learned counsel for the appellants and

learned Spl.P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 24.02.2022 in A.B.A. No. 128 of 2022 passed by the learned Court of Additional District Judge-1st, Jamui in connection with Jamui P.S. Case No. 259 of 2021 registered under Sections 147, 148, 149, 341, 323, 379, 307, 365, 511 and 504 of the Indian Penal Code and



Section 3(1)(r) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellants submits that appellants have antecedent of one case and the informant alleges that he along with his wife had gone to temple for worshipping, when the accused persons, including the appellants, came and started abusing and also abused in caste name, further even threatened not to come to the temple for performing worship, on protest appellant no.1 assaulted him by butt of pistol causing injury on head and when his nephew came to save him Prabhat assaulted him by an iron rod, thereafter 10-15 unknown accused came and tried to kidnap his nephew, but on alarm villagers gathered and accused fled but while fleeing appellant no.2 snatched chain of his wife.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that though it is alleged that the occurrence took place near the temple, but then the FIR is completely silent as to who witness the occurrence, it is thus submitted that the occurrence was not in public view, it



is further submitted that the FIR does not even remotely suggest that the injured were taken to hospital, it is next submitted that the order of the learned District Court is cryptic as it does not even record whether any injury was caused or not to the injured and it appears that even without calling for the case diary, the case was disposed of only on the ground that anticipatory bail is not maintainable, without appreciating the fact that anticipatory bail is not maintainable only when the offence as alleged takes place in terms of the act.

Learned Spl.P.P. for the State opposes the prayer for anticipatory bail of the appellants.

Considering the submissions made by the learned counsel for the appellants, the order dated 24.02.2022 in A.B.A. No. 128 of 2022 passed by the learned Court of Additional District Judge-1st, Jamui in connection with Jamui P.S. Case No. 259 of 2021 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five



Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jamui P.S. Case No. 259 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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