

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2676 of 2021**

Arising Out of PS. Case No.-78 Year-2021 Thana- WAJIRGANJ District- Gaya

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1. MUNCHUN SINGH @ MUKESH KUMAR Son of Ramdhyan Singh Resident of Village - Kadhariya, P.S.- Wazirganj, District - Gaya.
 2. Badal Kumar Son of Dinbandhu Singh Resident of Village - Ekdanga, P.S.- Belchi, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Satyendra Manjhi Muneshwar Manjhi Resident of village-lauriya,P.S.- Wazirganj,District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Niranjana Kumar, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 23-11-2022 Heard learned counsel for the appellants and learned Spl.P.P. for the State. Though vakalatnama is filed on behalf of Respondent no.2 but nobody appears today 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 14A(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 for anticipatory bail vide order dated 20.03.2021, passed by learned Exclusive Special Judge, SC/ST, Gaya, in connection with Wazirganj P.S. Case No.78 of 2021,



registered u/s 147, 148, 307, 504, 506 of the IPC, section 27 of the Arms Act and section 3(1)(r)(s) of the SC and ST Act.

It is alleged in the F.I.R. that appellants and other accused persons came at the Saraswati Puja procession and fired from a gun which hit the nephew of the informant and one Kamlesh Manjhi also got injured.

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. It is stated that no offence under the SC/ST Act is made out against the appellants as there is general and omnibus allegation against the appellants and other accused persons. There is no specific allegation against the appellants to fire upon or abuse the informant's side by taking caste name. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, 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, is 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
Exclusive Special Judge, SC/ST (POA) Act, Gaya, in
connection with Wazirganj P.S. Case No.78 of 2021, 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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