

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1399 of 2022

Arising Out of PS. Case No.-374 Year-2021 Thana- ALOULI District- Khagaria

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1. NARAYAN SINGH S/o Late Tanuk Lal Singh Resident of Village - Haripur, P.S. - Alauli, District - Khagaria.
 2. Dhirendra Singh S/o Late Tanuk Lal Singh Resident of Village - Haripur, P.S. - Alauli, District - Khagaria.
 3. Gulshan Kumar S/o Narayan singh Resident of Village - Haripur, P.S. - Alauli, District - Khagaria.

... .. Appellants.

Versus

1. The State of Bihar
2. Gautam Kumar Bharti (Chaukidar) S/o Late Pandav Paswan Resident of Village - Sahsi, P.S. - Alauli, District - Khagaria.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Binod Kumar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2022 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

The present case has been lodged by the Chaukidar of the concerned police station, hence no notice is required to be issued as he is represented by the Special 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail



vide order dated 04.04.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Khagaria in connection with Alauli P.S. Case No. 374/2021 registered under Sections 147, 148, 341, 323, 353, 307, 504, 506 & 379 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is inordinate delay of three days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have 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 appellants, 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Khagaria in connection with Alauli P.S. Case No.374/2021, 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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