

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2838 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- SAKRA District- Muzaffarpur

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1. Raju Sah @ Rajdeo Sah Son Of Dhanraj Sah Resident Of Village And P.O.- Siho, P.S.- Sakra, District-Muzaffarpur.
 2. Vikas Kumar Son Of Raju Sah Resident Of Village And P.O.- Siho, P.S.- Sakra, District-Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi wife of Baldev Manjhi Vill and P.O.- Siho, P.S.- Sakara, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yashraj Bardhan
For the Respondent/s	:	Mr. Sadanand Paswan
		Dr. Bipin Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2022 Learned counsel for the appellants submits that the appellant no. 1 has been arrested by the police, therefore, he seeks permission to withdraw this appeal with regard to appellant no. 1.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn with regard to appellant no. 1.

Heard learned counsel for the appellant, respondent no. 2 and learned Special Public Prosecutor for the State for consideration of bail with regard to appellant no. 2.

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 bail vide order dated 07.04.2021, passed by learned Additional Sessions Judge-II-cum-Special Judge SC/ST (POA), Act, Muzaffarpur in connection with Sakra P.S. Case No. 21 of 2021, registered under Sections 341, 323, 504, 506/34 of the IPC



and Sections 3(i) (r) (s) of SC/ST Act.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellant. He submits that no case under SC/ST Act is made out against the appellant. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that there is specific allegation against the appellant to abuse the informant by taking caste name.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellant, let the above named appellant in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned ADJ-I-cum-Spl. Judge (SC/ST Act), Muzaffarpur in connection with Sakra P.S. Case No. 21 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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