

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2954 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- GAURICHAK District- Patna

RISHI RAM Son of Bilendra Ram Resident of Village - Gopal Tola, P.S.-
Gaurichak, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Indal Kumar Late Rohan Paswan Resident of Village-Gopal Tola, P.S.-
Gaurichak, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vibhuti Ranjan Sonvadra
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 16-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

By the order dated 13.10.2022, learned Special Public
Prosecutor was directed to inform the respondent no.2 to appear
before this Court. Learned Special Public Prosecutor submits that
he has informed the concerned S.P./I.O. to inform the respondent
no.2 but nobody appeared on his behalf.

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



28.08.2020 passed by learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 155/2020 arising out of Gaurichak P.S. Case No. 83/2020 registered under Sections 147, 148, 149, 109, 448, 341, 323, 302, 201 and 504 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, appellants along with other co-accused persons armed with arms and ammunition abused the informant and searched his father when he told that his father is not at his house Manik Chand and Pramod Ram aggravated them to kill him on that provocation all stormed into and assaulted his parents and took away his father by assaulting. Informant informed police who searched his father but not located and on 21.03.2020 at about 7:00 A.M. his father's dead body was found near tree in Jalala Khanda east of his village.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. Similarly situated other co-accused person was granted anticipatory bail by the coordinate bench of his Court by the order



dated 02.03.2021 passed in Cr. Appal No. (S.J.) 119/2021.
Appellant has no criminal antecedent as mentioned in para-3 of
memo of appeal.

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

In the facts and circumstances of the case, 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 learned Special Judge, SC/ST Act, Patna in
connection with Special Case No. 155/2020 arising out of
Gaurichak P.S. Case No. 83/2020, 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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