

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3009 of 2021

Arising Out of PS. Case No.-125 Year-2020 Thana- BELSAND District- Sitamarhi

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1. RAM KALEBAR BHAGAT @ RAM KALEVAR BHAGAT S/o Shankar Bhagat R/O Village - Belsand Kala Tole, Saraiya, Ward No. -13, P.S. - Belsand, District - Sitamarhi.
 2. RAM PAVITRA BHAGAT @ RAM PAVITAR BHAGAT S/O Shankar Bhagat R/O Village - Belsand Kala Tole, Saraiya, Ward No. -13, P.S. - Belsand, District - Sitamarhi.
 3. DHARMENDRA KUMAR S/o Ram Kalebar Bhagat @ Ram Kalevar Bhagat R/O Village - Belsand Kala Tole, Saraiya, Ward No. -13, P.S. - Belsand, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Dular Thakur Son of Late Hardev Thakur R/o- village Belsand Kala Tole Saraiya ward no-15, P.S.- Belsand, Dist- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Alok Kumar Alok
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Dinesh Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-10-2022 Heard the counsel for the appellants, counsel for the respondent no.2 and 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 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 21.06.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (POA) Act, Sitamarhi, in connection with Belsand P.S. Case No. 125 of



2020 registered under sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and 3(i),(r),(s) S.C./S.T. Act.

Allegedly, the appellants along with other accused persons assaulted the informant's side by means of several weapons and abused them by taking caste name.

Learned counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case at the instance of their enemies. No such occurrence as alleged has ever taken place. It is submitted that there is general and omnibus allegation against the appellants. It is further submitted the injuries are simple in nature. He further submitted that no offence under the SC/ST Act is made out against the appellant as the informant belongs to the '*Lohar*' caste and the Apex Court vide judgment passed in the case of ***Sunil Kumar Rai & Ors. Vs. The State of Bihar & Ors.*** passed in ***Writ Petition (Civil) No.1052 of 2021***, has set aside the notification of the State Government, in which '*Lohar*' was kept in the category of SC/ST. The appellants have no criminal antecedent, as also mentioned in para-3 of this memo of appeal.

Learned Spl.PP for the State and learned counsel for respondent no.2 opposed the prayer for bail and submits that one Dharmendra Kumar assaulted the son of the informant due



to which his son sustained grievous injuries.

Considering the facts and circumstances of the case, since the category lohar does not belongs to the SC/ST category, let 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, 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 1st Additional Sessions Judge-cum Special Judge, S.C./S.T. (POA) Act, Sitamarhi in connection with Belsand P.S. Case No.125 of 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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