

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3178 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- RAFIGANJ District- Aurangabad

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1. JUDAGIR SAO S/O MANGAR SAO Resident of Bus Stand Kasma Road, Rafiganj, P.S.- Rafiganj, District- Aurangabad
 2. LADLA KUMAR S/O JUDAGIR SAO Resident of Bus Stand Kasma Road, Rafiganj, P.S.- Rafiganj, District- Aurangabad

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Trikal Kumar Haricharan Mistri Resident of Mohalla-Bus Stand, Kasma Road, Rafiganj, P.S.-Rafiganj, District-Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Pd. Singh, Sr. Adv Mr. Bhaskar Shankar, Adv
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P. Mr. Santosh Kumar Pandey, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-11-2022 Heard the parties.

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 24.06.2021, passed by learned 1st Additional Sessions Judge, Aurangabad, in connection with Rafiganj P.S. Case No.06 of 2021 registered under sections 448, 341, 323, 324, 307, 34 of the Indian Penal Code and 3(i)(r)(s) of S.C./S.T. Act.



Allegedly, the appellants assaulted the informant's side by means of several weapons due to which they got injured.

Learned senior counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. There is no specific overt act against the appellants. There is no allegation against the appellants to abuse the informant by taking caste name and this fact is also supported by the learned counsel for the respondent no.2. He further submits that the injuries are simple in nature. Appellants have one criminal antecedent.

Learned Spl.P.P for the State and learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is no specific overt act against the appellants, 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, Aurangabad in connection with
Rafiganj P.S. Case No.06 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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