

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1888 of 2022

Arising Out of PS. Case No.-483 Year-2021 Thana- GAYA MUFASIL District- Gaya

1. DHARMENDRA SINGH @ PREM KUMAR RAMASHISH SINGH
VILLAGE MIRZAPUR P S MUFFASIL DISTRICT GAYA
2. ABHAY SINGH @ ABHAY SHANKAR SINGH S/o Surendra Singh
Resident of Village-Mirzapur, P.S.-Muffasil, District-Gaya.
3. DINESH SINGH S/o Mahabir Singh Resident of Village-Mirzapur, P.S.-
Muffasil, District-Gaya.
4. PINTU SINGH @ PRAMOD SINGH S/o Late Rajballav Singh Resident of
Village-Mirzapur, P.S.-Muffasil, District-Gaya.
5. VINAY SINGH @ VINAY KUMAR S/o Ramjee Singh Resident of Village-
Mirzapur, P.S.-Muffasil, District-Gaya.
6. SHIV SINGH @ SHIV KUMAR SINGH S/o Surendra Singh Resident of
Village-Mirzapur, P.S.-Muffasil, District-Gaya.
7. BINOD SINGH S/o Rajendra Singh Resident of Village-Mirzapur, P.S.-
Muffasil, District-Gaya.
8. BABLOO SINGH @ RANJIT SINGH S/o Ranjan Singh Resident of
Village-Mirzapur, P.S.-Muffasil, District-Gaya.
9. KAROO SINGH @ AJIT SINGH S/o Sukhdev Singh Resident of Village-
Mirzapur, P.S.-Muffasil, District-Gaya.
10. SUBODH SINGH Subodh Singh Resident of Village-Mirzapur, P.S.-
Muffasil, District-Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar, Advocate
For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-09-2022 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

Learned counsel for the appellants seeks permission
to withdraw the present appeal with respect to appellant no.2 as



he was arrested during pendency of the present appeal.

Permission is accorded.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 18.04.2022 in A.B.P. No. 67 of 2022 passed by the learned Court of Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Muffasil P.S. Case No. 483 of 2021 registered for the offences punishable under Sections 147, 148, 149, 323, 341, 324, 307, 337, 354(B), 427, 325, 448, 504 and 506 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act.

The informant alleges that he was helping his cousin Pappu Paswan and on account of that the F.I.R. named accused persons, including the appellants, assaulted him with *lathi danda* and also abused him by taking his caste name.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, appellant nos. 5, 7 and 9 have clean antecedent and rest of the appellants have antecedent as detailed in the paragraph ‘3’ of the anticipatory bail application, it is further submitted that from



perusal of the allegations as alleged in the F.I.R. it would manifest that the allegations are general and omnibus in nature, i.e., no specific allegation is alleged against any of the appellants, further even presuming what has been alleged is true without admitting for the purposes of anticipatory bail then the entire occurrence took place at the residence of the informant and thus was not in public view. Learned counsel submits that even the injury suffered by the injured is simple in nature as would be evident from Annexure '2' to the anticipatory bail application, however, the injury suffered by Kamlesh on forearm is grievous but then the allegation of assault is general and omnibus as no specific allegation has been leveled against any of the appellants i.e., who assaulted Kamlesh, further the said injury is on non-vital part of the body, thus it is submitted that *prima-facie* no offence under the S.C./S.T. Act is made out nor any motive or reason has been assigned that in what way the informant was helping his brother for which the present occurrence took place which further creates doubt with regard to veracity of the allegations as alleged.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned



counsel for the appellants, the order dated 18.04.2022 in A.B.P. No. 67 of 2022 passed by the learned Court of Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Muffasil P.S. Case No. 483 of 2021 is hereby set aside and the appellant nos. 1 and 3 to 10, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Muffasil P.S. Case No. 483 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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