

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3005 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- BHADAUR District- Patna

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1. Lallu Kumar @ Sudarshan Kumar S/O Kishor Saw @ Balkishor Saw R/O Village- Maya Bigha, P.S.- Bhadhour, District- Patna.
 2. Shiv Kumar Sudhir Kumar @ Sudhir Mahto R/O Village- Maya Bigha, P.S.- Bhadhour, District- Patna.
 3. Vicky Kumar S/O Pramod Prasad @ Pramod Mahto R/O Village- Maya Bigha, P.S.- Bhadhour, District- Patna.
 4. Rajesh Kumar @ Rakesh Kumar S/O Balram Mahto R/O Village- Maya Bigha, P.S.- Bhadhour, District- Patna.
 5. Girdhari Kumar @ Rajeev Kumar S/O Prahalad Ram R/O Village- Maya Bigha, P.S.- Bhadhour, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Anil Mochi Son of Late Indradeo Ravidas R/o village Godhiyari, P.S.- Bhadaur Dist- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anjana
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants filed jointness
petition in compliance of the order dated 13.10.2022 showing that
the wife of the respondent no.2 is residing with respondent no.2.
Since wife of respondent no.2 has received the notice.

Learned counsel for the appellant is directed to correct
the supplementary affidavit in the course of the day.

Learned counsel for the appellants seeking permission
to withdraw the application with regard to appellant no.4 because
during the pendency of the present appeal appellant no.4 is



apprehended by the police.

Permission is granted.

Accordingly, the appeal with regard to appellant no.4 is dismissed as withdrawn.

Defect no.14 is ignored in view of the Hon'ble Apex Court judgement dated 10.01.2022 passed in Suo Motu Writ Petition (C) No. 3 of 2020.

Learned counsel for the appellants undertakes to remove the remaining 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 24.03.2021 passed by learned ADJ-III cum Special Judge SC/ST Patna in connection with Bhadaur P.S. Case No. 17 of 2021 registered under Sections 341, 342, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific



rather general and omnibus in nature. There is no offence under SC/ST Act is made out against the appellants. There is no allegation of slating the informant in the specific name of his caste. All sections are bailable offence. Appellants have 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 and the fact that there is no specific overt act against the appellants, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ-III cum Special Judge SC/ST Patna in connection with Bhadaur P.S. Case No. 17 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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