

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3022 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

Ram Babu Singh @ Ram Babu Prasad Singh Son Of Late - Shiv Nandan
Singh Resident Of Village- Malikpura, P.S.- Bhagwanpur, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subodh Kumar Barnwal

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-05-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

The appellant has challenged the order dated 24.06.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Bhagwanpur P. S. Case No.11 of 2021, instituted for the offences under Sections 341, 323, 379, 504, 506/ 34 of the Indian Penal Code and Section 3(i)(r), 3(V2) of the SC/ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

Learned counsel for the appellant, at the very outset submits that no offence under the SC/ST Act is made out against



the appellant as the informant belongs to 'Lohar' caste and the Bihar Government has notified 'Lohar' caste under the ST category but the Hon'ble Apex Court in the case of ***Sunil Kumar Rai and Ors. Versus The State of Bihar & Ors.***, passed in ***Writ Petition (Civil) No.1052 of 2021***, has quashed the said notification of the Bihar Government by which 'Lohar' was notified as ST category.

In view of the Apex Court judgment, no SC/ST offence is made out against the appellant, as such, no notice is required to be issued upon the respondent no.2.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellant. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

Considering 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, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in



connection with Bhagwanpur P.S. Case No.11 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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