

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2155 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- AKBARPUR District- Nawada

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1. KAUSHAL KUMAR Son of Sudhir Yadav Resident of Village - Iguna, Police Station- Akbarpur, District - Nawada.
 2. AWDHESH KUMAR Son of Umesh Yadav Resident of Village - Iguna, Police Station- Akbarpur, District - Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. SANTOSH KUMAR Son of Arun Chaudhary Resident of Village - Iguna, Police Station- Akbarpur, District - Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Birendra Kumar
For the Respondent/s	:	Mr.Usha Kumari 1
For the Informant	:	Mr. Vibhuti Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 22-09-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 26.04.2022 passed by the learned Exclusive Special Judge SC/ST (Prevention of Atrocities Act), Nawada in A.B.P. No. 834 of 2022 arising out of Akbarpur P.S. Case No. 63 of 2022, registered for the offences punishable under Sections 341, 323, 307, 294, 504, 506/34



of the Indian Penal Code & Section 3(i)(r)(s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, at the occasion of Saraswati Pooja, the appellants were playing filthy songs by music system, when the informant prohibited them they abused him by calling his caste. In the same night when the informant was going to grocery shop the accused persons including the appellants also assaulted him by fists and slaps and forcibly threw him in a well. On hue and cry the villagers gathered there and rescued the informant.

Learned counsel for the appellants has submitted that the appellants are innocent and the injuries sustained by him are simple in nature.

On the other hand, the learned counsel for the informant has submitted that the occurrence is in two parts firstly the appellants abused the informant by calling his caste name when he prohibited them to playing filthy songs and in second part when the informant was going to grocery shop in the evening the appellants assaulted him and threw him in a well.

Though there is allegation of throwing the informant into a well but the impugned order shows that there was no noticeable injury on the person of the informant as mentioned in the case diary.

Considering the above-mentioned facts and circumstances and also considering the fact that the appellants are the persons of



clean antecedent, the appeal is allowed and the impugned order dated 26.04.2022 passed by the learned Exclusive Special Judge, SC/ST (P.O.A.) Act, Nawada is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Nawada in connection with Akbarpur P.S. Case No. 63 of 2022.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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