

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2054 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- FESHAR District- Aurangabad

1. Muniya Devi W/o Vashishtha Vishwakarma Resident of Village-Barimal, P.O.-Dosma, P.S.-Fesar, District-Aurangabad.
2. Uday Vishwakarma S/o Late Parmeshwar Vishwakarma Resident of Village-Barimal, P.O.-Dosma, P.S.-Fesar, District-Aurangabad.
3. Angad Vishwakarma S/o Bindeshwari Mistry Resident of Village-Barimal, P.O.-Dosma, P.S.-Fesar, District-Aurangabad.
4. Pankaj Vishwakarma @ Pankaj Kumar Vishwakarma S/o Bindeshwari Mistry Resident of Village-Barimal, P.O.-Dosma, P.S.-Fesar, District-Aurangabad.
5. Anirudh Vishwakarma S/o Bindeshwari Mistry Resident of Village-Barimal, P.O.-Dosma, P.S.-Fesar, District-Aurangabad.
6. Anuj Vishwakarma S/o Bindeshwari Mistry Resident of Village-Barimal, P.O.-Dosma, P.S.-Fesar, District-Aurangabad.
7. Ashish Vishwakarma S/o Bindeshwari Mistry Resident of Village-Barimal, P.O.-Dosma, P.S.-Fesar, District-Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. RAJESH RAM S/o Ram Bilash Ram Resident of Village-Barimal, P.O.-Dosma, P.S.-Fesar, District-Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Parmeshwar Vishwakarma, Advocate
For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 22-03-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants has filed a supplementary affidavit to the effect that in the prayer portion of the petition, it has wrongly been typed as “Fesar P.S. Case No. 104 of 2020” instead of “Fesar P.S. Case No. 33 of 2020”, hence



he seeks permission to make necessary correction in the prayer portion.

Accordingly, learned counsel for the appellants is permitted to make necessary correction in the prayer portion of the petition.

Since appellant no.2, namely Uday Vishwakarma, Son of Late Parmeshwar Vishwakarma has been arrested, learned counsel for the appellants seeks permission to withdraw the appeal with regard to appellant no.2.

Permission is granted.

Accordingly, the instant appeal, with regard to appellant no.2, is dismissed as withdrawn.

So far as the instant appeal with regard to rest of the appellants is concerned, 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 bail vide order dated 03.09.2020, passed by learned 1st Additional District & Session Judge Cum Special Judge, Aurangabad in connection with Fesar P.S. Case No. 33 of 2020, registered under Sections 341, 323, 325, 307, 379, 504, 448, 147, 149 of the IPC and Sections 3 (i) (r) (s)/3(2)(va) of the SC/ST (POA) Act.

Appellants along with other accused persons are said to



have assaulted the informant and others, abused them by calling their caste name and also snatched gold chain.

It is submitted by learned counsel for the appellants that the appellants are innocent and has been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellants. He submits that the appellants also belong to SC/ST category, hence no offence under SC/ST (POA) Act is made out against the appellants. He further submits that the appellants were only the member of unlawful assembly. He further submits that except appellant no.2, who has already been arrested, appellants have no criminal antecedent as stated in paragraph no.3 of the petition.

Learned Spl. PP for the State opposes the prayer for bail and submit that the appellants are involved in the present case.

Considering the facts and circumstances of the case, the above named appellants, except appellant no.2, 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 bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Session Judge cum Special Judge, Aurangabad in connection with Fesar



P.S. Case No. 33 of 2020, 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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