

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.43 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- OBRA District- Aurangabad

-
1. SHAMBHU RAWANI S/o Late Gobardhan Rawani Resident of Village-Mahthi Post Lukagarh, P.S.-Obra, District-Aurangabad.
 2. Pintu Kumar S/o Tribhuwan Rawani Resident of Village-Mahthi Post Lukagarh, P.S.-Obra, District-Aurangabad.
 3. Durga Rawani S/o Yugal Rawani Resident of Village-Mahthi Post Lukagarh, P.S.-Obra, District-Aurangabad.
 4. Gopichand Rawani S/o Yugal Rawani Resident of Village-Mahthi Post Lukagarh, P.S.-Obra, District-Aurangabad.
 5. Jagarnath Rawani S/o Siyaram Rawani Resident of Village-Mahthi Post Lukagarh, P.S.-Obra, District-Aurangabad.
 6. Raju Rawani S/o Jagarnath Rawani Resident of Village-Mahthi Post Lukagarh, P.S.-Obra, District-Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dineshwar Ram son of late Mahavir Ram Vill- Mahsi, P.S.- Obra, District-Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 24.02.2022, notice has been issued upon the respondent no.2 and as per office notes, notice has been served validly upon the respondent no.2 but nobody appears on his behalf to argue the case.

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 anticipatory bail vide order dated 21.08.2020, passed by learned 1st Additional Sessions Judge-cum- Spl. Judge cum (SC/ST), Aurangabad, in connection with Obra P.S. Case No.117 of 2020, registered under sections 147, 149, 341, 323, 324, 307, 504, 506 of the IPC and sections 3(1)(r)/3(1)(5)/3(2)(v) of the SC and ST Act.

Allegedly, the FIR named accused persons came in drunken position and started abusing the informant by taking caste name. Thereafter they assaulted the informant's side by means of butt of pistol, lathi, gadasa, sword.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that there is a case and counter-case between the parties and both sides have sustained injuries in the said occurrence. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. It is further submitted that the allegation of slating the informant



levelled against the appellants is not specific rather general and omnibus in nature. Moreover, it is in the night at 8 PM and cannot be said to be in public view. Hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since both sides have sustained injuries and there is case and counter-case between the parties, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum- Spl. Judge cum (SC/ST), Aurangabad, in connection with Obra P.S. Case No.117 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

