

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3456 of 2021

Arising Out of PS. Case No.-566 Year-2021 Thana- PHULWARISHARIF District- Patna

1. DHIRAJ KUMAR Son of Kamal Kishor Sharma Resident of Village-Mahangupur, P.S.- Janipur, District- Patna.
2. Shubham Kumar Son of Kamal Kishore Sharma Resident of Village-Mahangupur, P.S.- Janipur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Randhir Paswan Vishnudhari Paswan Resident of Village-Mahangupur, (Nahar Par), P.S.-Janipur, District-Patna.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Mritunjay Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For Res. No.2	:	Mr. Sheo Nandan Pandit, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-10-2022 Heard learned counsel for the appellants, learned Special P.P. for the State as well as learned counsel for the informant/respondent no.2.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 31.07.2021, passed by learned ADJ-III-cum-Special Judge, SC/ST, Patna in connection with Phulwarisharif (Janipur) P.S. Case No.566 of 2021, registered under Sections 341, 323, 324, 325, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)



(r)(s)/3(3)(va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that though the appellants are said to have abused the informant by naming his caste, but the fact of the matter is that the appellants have earlier filed a case against the informant and, therefore, the informant has falsely implicated the appellants in the present case.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Taking into consideration the facts aforesaid, let appellants, above named, 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 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 Phulwarisharif (Janipur) P.S. Case No.566 of 2021, subject to the conditions 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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