

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3532 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- HATHAURI District- Muzaffarpur

1. RATNESHWAR SHARMA Son of Ramvriksha Sharma Resident of Village - Narma, P.S.- Hathauri, District - Muzaffarpur.
2. Saurabh Kumar Son of Sarveshwar Sharma Resident of Village - Narma, P.S.- Hathauri, District - Muzaffarpur.
3. Amit Kumar Son of Ratneshwar Sharma Resident of Village - Narma, P.S.- Hathauri, District - Muzaffarpur.
4. Bindeshwar Sharma Son of Ramvriksha Sharma Resident of Village - Narma, P.S.- Hathauri, District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Prakash Shrarma, Adv.

For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. The informant being a Police personnel is represented by the Spl.P.P. for the State, as such, no notice is required to be issued upon the informant.

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

This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 08.04.2021, passed by learned Additional Sessions Judge-IIIrd cum- Spl. Judge, SC/ST (POA), Muzaffarpur, in connection with Hathauri P.S. Case No.260 of 2020, registered under sections 147, 148, 149, 341, 323, 325, 307, 332, 333, 353 and 504 of the IPC, 27 of the Arms Act and 3(1)(r)(s) of SC/ST Act.

Allegedly, when the informant went to the place of occurrence to pacify a matter regarding demolishing of boundary wall, the accused persons named in the FIR, who were lashed with deadly weapons, attacked the informant and other police personnel. They assaulted the informant and tried to kill him and broke his hand. Thereafter, they started pelting bricks and stones upon the informant. It is further alleged that one Randhir Sharma using derogatory term for the informant fired three-four gunshots towards him but informant saved himself. The accused persons also abused the informant by taking caste name and threatened him.

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. There is no specific allegation against the appellants to abuse the informant by taking caste name, as such, no offence under the SC/ST Act is made out against the appellants. There is also, no overt act against the appellants to have assaulted the informant. Appellants have one criminal antecedent.

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

Considering the facts and circumstances of the case, 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, is directed to 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 Additional Sessions Judge-IIIrd cum- Spl. Judge, SC/ST (POA), Muzaffarpur, in connection with Hathauri P.S. Case No.260 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)

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