

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3557 of 2021

Arising Out of PS. Case No.-249 Year-2021 Thana- KANTI District- Muzaffarpur

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1. BARUN KUMAR @ VARUN KUMAR S/o- SANJAY SAH Resident of Village- Panapur Kariyat, P.S.- Kanti (O.P. Panapur), District- Muzaffarpur.
 2. Golu Kumar Son of Manoj Sah Resident of Village- Panapur Kariyat, P.S.- Kanti (O.P. Panapur), District- Muzaffarpur.
 3. Raju Kumar Son of Manoj Sah Resident of Village- Panapur Kariyat, P.S.- Kanti (O.P. Panapur), District- Muzaffarpur.
 4. Sunny Kumar Son of Manoj Sah Resident of Village- Panapur Kariyat, P.S.- Kanti (O.P. Panapur), District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pramila Devi Late Shivnath Thakur Resident of Village-Suratpur(Panapur Kariyat), P.S.-Panapur(Kanti), District-Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Neeraj Kumar @ Sanidh, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-11-2022 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.

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 27.07.2021, passed by learned Additional Sessions Judge-IIIrd-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in



connection with Kanti P.S. Case No.249 of 2021, registered under Sections 147, 148, 149, 447, 341, 323, 337, 338, 354, 302, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

The appellants alongwith other co-accused persons are said to have assaulted the husband of the informant by means of brick and bat due to which the husband of the informant died.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is general and omnibus allegation against the appellants. The specific allegation of assault is against co-accused, Dhiraj Kumar Singh and Ram Pravesh Singh.

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

Considering the fact that allegation against the appellants is general and omnibus, 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 Additional Sessions Judge-IIIrd-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Kanti P.S. Case No.249 of 2021, subject to the conditions 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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