

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2485 of 2022

Arising Out of PS. Case No.-58 Year-2015 Thana- BHADAUR District- Patna

UMA SHANKAR SINGH Son of Arjun Singh Resident of Village - Ajgara,
P.s.-Bhadaur, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. KANTI DEVI W/o Janak Paswan Resident of Village - Ajgara, P.s.-
Bhadaur, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Suraj Kumar, A.P.P.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

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 for anticipatory bail vide order dated 06.06.2022 in A.B.P. No. 1022 of 2022 passed by the learned Exclusive Special Court S.C./S.T. (POA) Act, Patna in connection with Bhadaur P.S. Case No. 58 of 2015 registered for the offences punishable under Sections 323, 504 and 506 of the Indian Penal Code as well as Sections 3(x) of the SC/ST Act.

The informant alleges while she along with her



husband and son were waiting for vehicle accused persons including the appellant came and started abusing them by their caste name and on objection they assaulted also.

Learned counsel for the appellant submits that the appellant is a person with a clean antecedent and has been falsely implicated in the present case, it is next submitted that no reason or motive for the occurrence has been assigned, it is also submitted that allegation of abuse and assault is general and omnibus in nature, it is next submitted if what has been alleged is true then definitely the occurrence would have been witnessed by somebody or any villagers but then the FIR is absolutely silent in that respect which creates doubt with regard to the veracity of the allegation.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 06.06.2022 in A.B.P. No. 1022 of 2022 passed by the learned Exclusive Special Court S.C./S.T. (POA) Act, Patna in connection with Bhadaur P.S. Case No. 58 of 2015 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhadaur P.S. Case No. 58 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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