

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3613 of 2021

Arising Out of PS. Case No.-209 Year-2019 Thana- PANAPUR District- Saran

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1. SATYENDRA SINGH @ SATENDRA SINGH Son of Ramjee Singh Resident of Village- Dhanawati, P.S.- Panapur, District- Saran at Chapra.
 2. Jag Narayan Singh Son of Late Sita Ram Singh Resident of Village- Dhanawati, P.S.- Panapur, District- Saran at Chapra.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arbind Kumar Singh, Adv
For the Respondent/s : Mr. Binay Krishna, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-07-2022 Heard the counsel for the appellants, counsel for the respondent no.2 and Spl.P.P. for the State.

Learned counsel for the appellant 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.

Learned counsel for the appellants seeks permission to withdraw this appeal as against the appellant no.1, as he has already surrendered before the learned court below.

Permission is granted.

Accordingly, the instant appeal is dismissed as withdrawn only against the appellant no.1.

Now, this appeal is being heard with regard to the appellant



no.2 only.

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 05.08.2021, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, S.C./S.T. (POA) Act, Saran at Chapra, in connection with Panapur P.S. Case No. 209 of 2019 registered under sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and 3(i),(r),(s) S.C./S.T. Act.

Allegedly, the appellant along with other accused persons assaulted the informant's side by means of several weapons and abused them by taking caste name.

Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case. No such occurrence as alleged has ever taken place. It is submitted that there is general and omnibus allegation against the appellants. It is further submitted that in the alleged occurrence, appellants side have sustained serious injury. He further submitted that no offence under the SC/ST Act is made out against the appellant as the informant belongs to the 'Lohar' caste and the Apex Court vide judgment passed in the case of ***Sunil Kumar Rai & Ors. Vs. The State of***



Bihar & Ors. passed in ***Writ Petition (Civil) No.1052 of 2021***, has set aside the notification of the State Government, in which '*Lohar*' was kept in the category of SC/ST. The appellant has one criminal antecedent, as also mentioned in para-3 of this memo of appeal.

Learned Spl.PP for the State and learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, since the category lohar does not belongs to the SC/ST category, let the appellant no.2 named above, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Session Judge-cum Special Judge, S.C./S.T. (POA) Act, Saran at Chapra in connection with Panapur P.S. Case No. 209 of 2019, 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 partly allowed.

(Anjani Kumar Sharan, J)

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