

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2535 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- SC/ST District- Aurangabad

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1. Pankaj Kumar Son of Late Yamuna Yadav Resident of Village - Gurgaiya, P.O.- Gurgaiya Karma, P.S.- Deo, District - Aurangabad (Bihar)
 2. Rahul Kumar Son of Saryu Yadav Resident of Village - Gurgaiya, P.O.- Gurgaiya Karma, P.S.- Deo, District - Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Kumar Son of Vishundeo Ram Resident of Village - Gurgaiya, P.O.- Gurgaiya Karma, P.S.- Deo, District - Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uma Kant Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-12-2022 Heard learned counsel for the appellants 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 16.06.2022 in A.B.P. No. 850 of 2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with S.C./S.T. (Aurangabad) P.S. Case No. 04 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506,



354(B) and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(va) of the S.C./S.T. Act.

Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that when he was washing his hand and feet at the hand pump, the accused persons, including the appellants, came and assaulted and abused him by taking cast name and when his brother and mother came to rescue him, the accused persons assaulted them also and slammed his mother on the ground.

Learned counsel for the appellants submits that appellants have been falsely implicated in the present case and from perusal of the allegations as alleged in the FIR it would manifest that the allegations are general and omnibus in nature, the informant has not specifically alleged that who assaulted and who abused, it is next submitted that the date of occurrence is 21.04.2022 and the FIR was instituted on 25.04.2022 i.e., after a delay of four days without any plausible explanation. Learned counsel further submits that appellants are students and are 22 and 20 years of age respectively and if they are sent to judicial custody, in the nature of allegation as alleged, the same would amount to travesty of justice and their entire career would get jeopardized and chances are bright that they may come in



company of hardened criminals.

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

In view of the submissions made by the learned counsel for the appellants, the order dated 16.06.2022 in A.B.P. No. 850 of 2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with S.C./S.T. (Aurangabad) P.S. Case No. 04 of 2022 is hereby set aside and the 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 anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each 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 S.C./S.T. (Aurangabad) P.S. Case No. 04 of 2022 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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