

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1 of 2021

Arising Out of PS. Case No.-435 Year-2020 Thana- DANAPUR District- Patna

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1. Dr. Sudip Azad S/O Chandrasekhar Azad Resident Of Varca Officers Mess 6 Technical Training Regiment Opposite Ponda Police Station, P.S.-PONDA, North-Goa, At Present Posted As Lieutenant Colonel, Military Hospital, Danapur, P.S.-DANAPUR, District-Patna.
 2. Deepak Kumar Singh S/O Pramod Singh Resident Of Village-Khazuria Bhojpur Dhamar, P.S.-MUFFASIL, District-Bhojpur, At Present Posted A Military Hospital, Danapur, P.S.-DANAPUR, District-Patna.
 3. Kanchan Kumar S/O Jawahar Rai Resident Of Village-Yadubanshi Nagar Danapur (KHAGAIL), Police Station-Danapur, District-Patna, At Present Posted In Military Hospital, Danapur, P.S.-DANAPUR, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Nutt Son of late Shambhu Nutt Village- Saguna More, Kharanja Road, P.S.- Danapur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun, Advocate
For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-03-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 24.11.2021, notice was issued to respondent no.2. Office pointed out that despite valid service of notice, no one appears on behalf of respondent no.2.

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 bail vide order dated



08.09.2020, passed by learned Special Judge, SC/ST, Patna in connection with Special Case No. 340 of 2020 arising out of Danapur P.S. Case No. 435 of 2020, registered under Sections 341, 323, 325, 385, 504, 506/34 of the IPC and Sections 3 (i) (r) (s) of the SC/ST Act.

Appellants along with other accused persons are said to have abused the informant by calling caste name and also assaulted him.

It is submitted by learned counsel for the appellants that the appellants are innocent and has been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellants. He submits that since there is no allegation of abusing the informant by calling his caste name, hence no offence under SC/ST Act is made out against the appellants. He further submits that appellants have no criminal antecedent as stated in paragraph no.3 of the petition.

Learned Spl. PP for the State opposes the prayer for bail and submit that the appellants are involved in the present case.

Considering the facts and circumstances of the case, the above named appellants, in the event of their arrest or



surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Patna in connection with Special Case No. 340 of 2020, arising out of Danapur P.S. Case No. 435 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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