

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2616 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- NAUBATPUR District- Patna

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1. NAGENDRA KUMAR Son of Chandra Kumar @ Chandrama Singh Resident of Village - Chiroura, P.S.- Naubatpur, District - Patna.
 2. Dharmendra Kumar Son of Chandra Kumar @ Chandrama Singh Resident of Village - Chiroura, P.S.- Naubatpur, District - Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sanoj Mochi Son of Kameshwar Ravidas R/o vill-Mahajpura, P.S.- Bikram Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sarvan Kumar
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(a)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 25.07.2022 passed by learned Exclusive



Special Court SC/ST Act, Patna in connection with Naubatpur P.S. Case No. 206 of 2022 registered under Sections 341, 323, 384, 307, 504 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Injuries found upon the victim are simple in nature. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case and the fact that there is no allegation against the appellants to abuse the informant by taking the caste name, let 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court SC/ST Act, Patna in connection with Naubatpur P.S. Case No. 206 of 2022, 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 allowed.

(Anjani Kumar Sharan, J)

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