

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.252 of 2021**

Arising Out of PS. Case No.-173 Year-2018 Thana- ARER District- Madhubani

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1. Sushil Singh S/o Late Ramchandra Singh
 2. Deepak Singh @ Deepak Kumar Singh S/o Awadhesh Kumar Singh
 3. Satyam Kumar @ Satyam @ Sonu Kumar S/o Sushil Singh all R/o village-Karhi, P.S.- Arer, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
 2. Rakesh Ram Jago Ram R/O Village-Karhi, P.S.-Arer, District-Madhubani
- Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha
For the Respondent/s : Mr. Usha Kumari

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

6 22-03-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 01.11.2021, notice was issued to respondent no. 2. Office pointed out that respondent no. 2 appeared through Vakalatnama, but no one appears on his behalf.

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 24.01.2020, passed by learned 1st Additional District Judge, Madhubani in connection with Arer P.S. Case No. 173 of 2018, registered under Sections 341, 323, 324, 354, 504/34 of the IPC and Sections 3 (1) (r) (w)



of the SC/ST Act.

Appellants are said to have assaulted the informant by means of sickle, fists and legs.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is case and counter case between the parties. He submits that no case under SC/ST Act is made out against appellants. He further submits that appellant no. 2 has one criminal antecedent whereas appellant nos. 2 and 3 have no criminal antecedent as stated in para-3 of this appeal.

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

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 1st Additional District Judge, Madhubani in connection with Arer P.S. Case No. 173 of 2018, 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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