

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.493 of 2021**

Arising Out of PS. Case No.-50 Year-2020 Thana- AMBA District- Aurangabad

1. AYODHYA LAL @ AYODHYA PASWAN S/o Rajeshwar Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar).
2. Upendra Paswan S/o Kameshwar Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar).
3. Bhola Paswan @ Bhola Kumar S/o Narayan Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar).
4. Sanjeevan Paswan @ Sanjeevan Kumar S/o Dina Nath Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar).
5. Basant Bhuiyan @ Basant Prasad S/o Kamdeo Bhuiyan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar).
6. Sahendra Paswan S/o Kailash Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar).
7. Narayan Paswan S/o Kamdeo Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Krishna Prasad Singh, Sr. Adv. Mr.Bhaskar Shankar, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P. Mr.Yugal Kishore, Adv.

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

3 10-03-2022 Heard learned senior counsel for the appellants and learned Spl.P.P. for the State. Though vakalatnama has been filed on behalf of the respondent no.2, in view of the earlier order of this Court but today when the case is called out, nobody appears for respondent no.2.

This is an appeal under section 14A (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 15.10.2020, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad, in connection with Amba P.S. Case No.50 of 2020, registered u/s 147, 148, 149, 333, 338, 297, 307, 504, 506 of the IPC and section 27 of the Arms Act.

The prosecution case in short is that the informant after death of his wife, took her body to cremation ground in his village near a temple, upon which the appellants along with other accused persons armed variously, came there and protested the cremation on that place. They also started abused by lots of caste name and assaulted with and fired with a pistol, due to which 12 people got injured.

It is submitted by learned senior counsel for the appellants that the appellants are quite innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case due to ulterior motive. There is no specific overt act against the appellants rather the allegations are general and omnibus in nature. The appellants themselves belong to the SC/ST category, as such, no offence under the SC/ST Act is made out against the



appellants. The occurrence took place because the prosecution party did not obey the guideline of Circle Inspector directing, not to burn dead body near temple and for the alleged occurrence, the police lodged one Amba P.S. Case No.51 of 2020 on 26.07.2020, against the appellants and others, merely after 30 minutes of lodging of present case. Learned senior counsel for the appellants further submits that the accused in Amba P.S. Case No.51 of 2020 have already been granted anticipatory bail by a co-ordinate Bench of this Court. The injury report does not substantiate any injury caused by fire arm. Appellants have one criminal antecedent, as also mentioned in para-3 of the memo of appeal.

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

In the facts and circumstances of the case, there is no specific allegation levelled upon the appellants coupled with the fact that the accused of Amba P.S. Case No.51 of 2020 have been granted anticipatory bail, as such, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties



of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad, in connection with Amba P.S. Case No.50 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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