

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4011 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- ATHMALGOLA District- Patna

-
1. NISHU KUMAR Son of Anandi Ram Resident of Village- Saistapur, Police Station- Athmalgola, District- Patna.
 2. Vikash Ram @ Vikash Kumar Son of Binod Ram Resident of Village- Saistapur, Police Station- Athmalgola, District- Patna.
 3. Abadhesh Ram @ Abadhesh Kumar Son of Karpuri Ram @ Kapuri Prasad Resident of Village- Saistapur, Police Station- Athmalgola, District- Patna.
 4. Sandip Kumar Son of Anandi Ram Resident of Village- Saistapur, Police Station- Athmalgola, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Ratan Paswan Late Mangal Paswan R/O- Saistapur, P.S.- Athamal Gola, Dist- Patna.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 22-08-2022 Heard learned counsel for the appellants.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellant under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 27.01.2021 in connection with Athmalgola P.S.Case No. 01 of 2021 (Special Case No. 06 of 2021), registered for the offences punishable



under Sections 341, 323, 307 and 506/34 of the Indian Penal Code and Sections 3(i)(r) 3(2) (va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, when the informant was going to see his cows in *Eathani*, he saw the accused persons including the appellants throwing stones on his cows. They also assaulted the informant and the son-in-law of his brother.

Learned counsel for the appellants has submitted that appellants are persons of clean antecedent and from bare perusal of the FIR it appears that there is no allegation of abusing the informant or taking his caste name, as such, the provision of SC/ST Act is not applicable. He has submitted further that there is no injury report and it was the reason that the nature of injury has not been mentioned in the FIR.

Since the provision of SC/ST Act is not attracted *prima facie*, considering the facts and circumstances of the case as well as the clean antecedent of the appellants, the appeal is allowed and the impugned order dated 27.01.2021 is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants, above-named shall be released on anticipatory bail on furnishing bail bond of Rs.



10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of learned ADJ 3rd -cum-Special Judge, SC/ST Patna in connection with Athmalgola P.S.Case No. 01 of 2021 (Special Case No. 06 of 2021).

Office shall ensure that all the defects are removed by the appellants within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

HR/-

U		T	
---	--	---	--

