

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 3932 of 2021**

Arising Out of PS. Case No.-24 Year-2021 Thana- SITAMARHI District- Sitamarhi

SANJIV KUMAR SINGH S/O BAIDHNATH SINGH @ BAIJNATH SINGH Resident of Ward No. 4, Gaushala Road, P.S.- Sitamarhi, Distt.- Sitamarhi, Bihar

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Chulhai Ram son of Sanichar Ram resident of village- Goushala, ward no. 4, P.S. District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashhar Mustafa
For the Respondent/s : Mr.Usha Kumari 1

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

4 14-12-2022 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to
remove the defects within four weeks.

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 02.08.2021 passed by learned Court of Special
Judge-cum-ADJ-1, SC/ST Sitamarhi in connection with
Sitamarhi P.S. Case No. 24/2021, registered under Sections 341,
323, 354 , 504, 506 and 34 of the Indian Penal Code and Section
3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Earlier the appellant has filed a case against the informant and associates and thereafter the present case has been filed against the appellant. Informant has not sustained any injury and there is no injury report in the case diary. 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 appellant. Appellant has no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case and the fact that no person was injured in this case and there is general and omnibus allegation against the appellant, the above named appellant, in the event of his 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) with two sureties of the like amount



each to the satisfaction of learned Court of Special Judge-cum-ADJ-1, SC/ST Sitamarhi in connection with Sitamarhi P.S. Case No. 24/2021, 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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