

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.612 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

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1. KUNAL SINGH @ KUNAL KUMAR SINGH Son of Bijay Kumar Singh Resident of Mohalla- Mirjanhat near Durgasthan, P.S.- Babarganj, District- Bhagalpur.
 2. Sonu Pandey @ Ashish Kumar Son of Sunil Kumar Pandey @ Devu Pandey Resident of Village- Chainchak Puraini, P.S.- Jagdishpur, District- Bhagalpur.
 3. Manoj Tiwari @ Rakesh Tiwari Son of Chakradhar Tiwari Resident of Village- Chainchak Puraini, P.S.- Jagdishpur, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chotu Mandal Son of Rajendra Mandal Resident of Vill- Chainchak, Puraini, P.S.- Jagdishpur, Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Alok Kumar Choudhary, Adv.
For the Respondent/s	:	Mrs.Usha Kumari No.1, Spl.P.P.
		Mr.Deepak Kumar Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-07-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within three 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 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 01.06.2020, passed by learned Additional Sessions Judge-III-cum- Spl. Judge (SC/ST Act), Bhagalpur, in connection with Jagdishpur P.S. Case No.128 of 2020, registered under sections 147, 148, 149, 323, 324, 307, 504, 506, 379 of the IPC, section 30, 27 of the Arms Act and sections 3(i)(r)(s), 3(ii), (va) of the SC/ST Act.

Allegedly, the FIR named accused persons abused the informant’s side on a dispute of fishing and on protest, they started beating the informant’s side by stick, causing injury. Thereafter the other accused persons including the appellants came armed with stick over his house and on the pretext of disconnection of electricity started abusing by caste name. On protest, they assaulted them with stick. Allegation of firing is also made against Sonu Pandey and Abhijit Pandey.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in this case with frivolous allegation. It is submitted that there is general and omnibus allegation against all the accused persons. It is an



admitted fact that there is no specific allegation against the appellants of abusing the informant's side by taking caste name, as such, no offence under the SC/ST Act is made out against them. It is further submitted that several similarly situated co-accused persons have been granted anticipatory bail vide orders dated 30.06.2021, 24.06.2021 and 29.09.2020 passed in Cr. Appeal (SJ) No.774 of 2021, Cr. Appeal (SJ) No.417 of 2021 and Cr. Appeal (SJ) No.1339 of 2020 respectively. Appellants have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that the appellants are involved in the alleged occurrence but fairly admitted that there is no specific allegation that the appellants have abused the informant by caste name.

Considering the facts and circumstances of the case, the since the similarly situated co-accused have been granted anticipatory bail, 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 Additional Sessions Judge-III-
cum- Spl. Judge (SC/ST Act), Bhagalpur, in connection with
Jagdishpur P.S. Case No.128 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 this
appeal is allowed.

(Anjani Kumar Sharan, J)

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