

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2963 of 2022**

Arising Out of PS. Case No.-287 Year-2022 Thana- BARUN District- Aurangabad

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1. NAGENDRA SINGH S/o Indradeo Singh @ Indra Dev Singh Resident of Village- Sahaspur, P.S.- Barun, District- Aurangabad.
 2. DEVENDRA SINGH @ DEVENDRA @ GORAKH @ GORAKH SINGH S/o Indradeo Singh @ Indra Dev Singh Resident of Village- Sahaspur, P.S.- Barun, District- Aurangabad.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. VIRENDRA KUMAR RAM (Assistant Police Sub- Inspector) S/o Not Known Resident of Barun, Police Station- Barun, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Prasad, Senior Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 06-12-2022 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 20.07.2022 in A.B.P. No. 1198 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Barun P.S. Case No. 287 of 2022 registered for the offences punishable under Sections 353, 341, 504, 506, 147, 148 and 149 of the



Indian Penal Code as well as Sections 3(1)(r)(s), 3(2) (va) of the SC/ST Act.

The informant alleges that he on information went to the place of occurrence and apprehended a truck loaded with sand and thus called the government driver to take the truck, when villagers including the appellants assembled and created ruckus and abused him by taking caste name.

Learned counsel for the appellants submits that appellant no. 1 is a person with clean antecedent and appellant no. 2 has antecedent of one case and have been falsely implicated in the present case, it is next submitted from bare perusal of the allegation as alleged in the FIR it would manifest that the allegation of abuse and assault is general and omnibus in nature, it has not been specifically alleged that who assaulted or who abused. Learned counsel further submits that appellants are neither the owner nor the driver of the truck, as such, there was no occasion for them to go to the place of occurrence and to create ruckus as alleged.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 20.07.2022 in A.B.P. No. 1198 of 2022 passed by the learned 1st Additional Sessions



Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Barun P.S. Case No. 287 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Barun P.S. Case No. 287 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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