

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4387 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- SHERGHATI District- Gaya

1. BRAHAMDEV PASWAN S/o Faujdari Paswan R/o village- Nima, P.S.- Sherghati, District- Gaya
2. Binod Paswan @ Binod Bharti S/o Brahamdeo Paswan R/o village- Nima, P.S.- Sherghati, District- Gaya
3. Kapil Bhagat @ Kapildeo Bhagat S/o Harihar Bhagat R/o village- Nima, P.S.- Sherghati, District- Gaya
4. Ram Vijay Gope @ Vijay Yadav @ Ran Vijay Gope S/o Shiv Narayan Gope R/o village- Nima, P.S.- Sherghati, District- Gaya
5. Faresh Yadav S/o Nand Keshwar Yadav R/o village- Nima, P.S.- Sherghati, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Javed Jafar Khan, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-08-2022 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 06.04.2021 in A.B.P. No. 1249/2021 and 44 of 2021 passed by the learned Special Judge S.C./S.T. (POA) Act, Gaya in connection with Sherghati P.S. Case No. 78 of



2020 registered for the offences punishable under Sections 147, 148, 149, 435, 436, 379 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(v-9) of the SC/ST Act.

The informant alleges that on 12.02.2020 at 12 noon the accused persons, including the appellants, along with 50 unknown persons variously armed came and damaged three houses of the informant and Surendra Paswan along with ten unknown accused set the house of the informant on fire and the accused also looted her belongings worth Rs. 5 lakhs and also took Rs. 50,000/-, further Meena snatched earrings of informant's daughter-in-law and also assaulted her, it is further alleged that the reason for the occurrence was that accused Arun alleged that son of the informant had molested her daughter.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that the allegations are general and omnibus in nature, it is also submitted that whatever dispute arose that arose between Arun and the informant for the reason that the son of the informant had behaved inappropriately with the daughter of Arun. Learned counsel further submits that similarly situated



co accused have been granted bail by order dated 23.11.2021 in Cr. Appeal (SJ) No. 647 of 2021 (Suryanath Paswan and nine others Vs. The State of Bihar), learned counsel thus submits that *prima-facie* even from bare reading of the allegation as alleged in the F.I.R. it would manifest that no offence under the SC/ST Act is made out against the appellant as the appellant themselves are members of S.C. community.

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 06.04.2021 in A.B.P. No. 1249/2021 and 44 of 2021 passed by the learned Special Judge S.C./S.T. (POA) Act, Gaya in connection with Sherghati P.S. Case No. 78 of 2020 is hereby set aside and the appellants in the event of their 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. 10,000/- (Rupees Ten Thousand) each 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 Sherghati P.S. Case No. 78 of 2020 subject to the conditions as laid down under Section 438 (2) of the



Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Rishi/-

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

