

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4466 of 2021**

Arising Out of PS. Case No.-142 Year-2021 Thana- AWTARNAGAR District- Saran

1. CHANDAN SHARMA S/o- Kapildev Sharma R/o Village- Sajjanpur, P.S.- Dariyapur, District- Saran.
2. Pushpa Devi W/o- Chandan Sharma R/o Village- Sajjanpur, P.S.- Dariyapur, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Onkar Nath, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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

2      15-11-2022                      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 15.05.2021 in A.B.P. No. 2170 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Chapra in connection with Awtarnagar P.S. Case No. 142 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 384, 353, 379, 188 and 504 of the Indian Penal Code as well as Sections 3(1)(r)(s)



of the SC/ST Act.

The informant alleges that he arrested Sarwan for assaulting the Chowkidar and when he was being taken to the police station and when they reached near the house of Sarwan, all the accused persons abused the informant by his caste name and forcibly freed Sarwan, damaged police vehicle and again assaulted the Chowkidar.

Learned counsel for the appellants submits that appellants are persons with clean antecedent and the appellant no. 2 is a woman and from bare perusal of the allegation as alleged in the FIR it would manifest that the allegation of assault, abuse and damaging the police vehicle is general and omnibus in nature, further the FIR also does not disclose or even remotely suggest that the occurrence was witnessed by public, it is next submitted that Sarwan fled from police custody, as such, the present false case came to be instituted.

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 15.05.2021 in A.B.P. No. 2170 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Chapra in



connection with Awtarnagar P.S. Case No. 142 of 2021 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 Awtarnagar P.S. Case No. 142 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

**(Satyavrat Verma, J)**

GauravSinha/-

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