

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3307 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- MAHILA P.S. District- Saran

-
1. Kishan Sharma S/O Ramesh Sharma Resident Of Village- Harshpura, P.S.- Daudpur, District- Saran At Chapra (Bihar).
 2. Chandan Kumar Singh @ Chandan Singh @ Roki Singh S/O Baliram Singh Resident Of Village- Harshpura, P.S.- Daudpur, District- Saran At Chapra (Bihar).
 3. Bittu Kumar Singh @ Bittu Singh S/O Manoj Singh Resident Of Village- Harshpura, P.S.- Daudpur, District- Saran At Chapra (Bihar).
 4. Niraj Kumar Singh @ Niraj Singh S/O Satendra Singh Resident Of Village- Harshpura, P.S.- Daudpur, District- Saran At Chapra (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Ahilya Devi W/O Umeshwar Nath Sharma Resident Of Village- Harishpura, P.S.- Daudpur, District- Saran At Chapra (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

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 bail vide order dated 04.08.2022, passed by learned Additional Sessions Judge 3rd Saran at Chapra in connection with Saran Mahila P.S. Case No. 93 of 2021, registered under Sections 341, 323, 447, 448, 354, 380, 379, 504, 506, 328 of the IPC and Sections 3(i) (Cha) (Da) (Dha)



(Ba) of SC/ST Act.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellants. He submits that the informant belongs to Lohar community, therefore, no offence under SC/ST Act is made out in the present case in view of the judgment of **Hon'ble Supreme Court in the case of Sunil Kumar Rai & Ors Vs. The State of Bihar & Ors. passed in Writ Petition (Civil) No. 1052 of 2021.** He further submits that appellants has no criminal antecedent as stated in para-3 of this appeal.

However, learned Spl. PP for the State opposes the prayer for bail and submits that there is no specific overt act against the appellant nos. 1 and 2 but appellant nos. 3 and 4 are also involved in the present case.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Saran Mahila P.S. Case No. 93 of 2021.

However, if the appellants surrender before the learned court below within a period of six weeks from today and pray for regular bail, the same shall be considered by the learned



court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

devendra/-

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

