

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4567 of 2021

Arising Out of PS. Case No.-165 Year-2021 Thana- PARBATTa District- Khagaria

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1. RANTU SINGH @ ARUNJAY KUMAR SINGH Son of Sri Chandradeo Singh Resident of Village - Salarpur, P.S. - Parbatta, District - Khagaria.
 2. Bultu Singh @ Dhananjay Kumar Son of Sri Chandradeo Singh Resident of Village - Salarpur, P.S. - Parbatta, District - Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Aruli Devi Makuni Paswan R/o Village-Salarpur, P.S.-Parbatta, District-Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashi Shekhar Tiwary
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four 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, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 02.09.2021 passed by learned Additional



Sessions Judge-I, Kagaria in connection with Parbatta P.S. Case No. 165/2021 registered under Sections 341, 323, 354B, 379, 307 and 341 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(ra) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the F.I.R., allegation against the appellant no.1 is that he has assaulted the informant by means of iron rod and allegation against the appellant no.2 is that he has abused the informant by taking caste name.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Entire family (supra) has been made accused in this case. As a matter of fact appellants had shop of electricity equipment at Salarpur Chowk and informant's family used to take equipment of electricity on borrow and in this process huge amount was due against the informant's family for which appellants were making demand for payment then the present occurrence was taken place. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as respondent



no.2 opposed the prayer for bail and submits that the specific allegation against the appellants of abusing by taking caste name and also assaulting the informant.

In the facts and circumstances of the case and the fact that there is money related dispute between the parties, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Kagaria in connection with Parbatta P.S. Case No. 165/2021, 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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