

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3534 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- SC/ST District- Jehanabad

VIKASH KUMAR Son of Narsingh Singh @ Narast Yadav R/V- Alua Bigha,
P.S- Barabar Tourism (Vishunganj O.P) Dist- Jehanabad, Pin Code- 804405
(Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Mallu Choudhary Son of Late Rameshwar Chaudhary R/V- Bela Bira, P.S-
Bishunganj O.P Dist- Jehanabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Kumar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

Though Vakalatnama has been filed on behalf of respondent no.2 but nobody appears on his behalf.

The accusations are of making assault, criminal intimidation and abusing by taking caste name.

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 30.08.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST, Act, Jehanabad in connection with



Jehanabad SC/ST P.S. Case No.24 of 2022, registered under Sections 341, 323, 354, 504, 506, 379, 34 of the Indian Penal Code and Section 3(1) (r) (s) (w)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is no specific overt act against the appellant to abuse the informant by taking caste name. There is a case and counter-case between the parties. Similarly situated co-accused persons have been granted bail by a co-ordinate bench of this Court vide order dated 10.11.2022 passed in Cr.App (SJ) No.3553 of 2022. Appellant has one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. P.P for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since similarly situated co-accused persons have been granted bail, the above named appellant, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond



of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Jehanabad in connection with Jehanabad SC/ST P.S. Case No.24 of 2022, 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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