

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4908 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- BELCHHI District- Patna

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1. LALLU RAM Son of Late Rameshwar Ram Resident of Village - Korari, P.S. - Belchhi, District - Patna.
 2. Manish Ram Son of Lallu Ram Resident of Village - Korari, P.S. - Belchhi, District - Patna.
 3. Chhotu Ram Son of Mantu Ram Resident of Village - Korari, P.S. - Belchhi, District - Patna.

... .. Appellants

Versus

1. The State of Bihar
2. Ram Parvesh Paswan Son of Late Sita Ram Paswan Resident of Village - Korari, P.S. - Belchhi, District - Patna.

... .. Respondents

Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 01-09-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants as well as learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 16.11.2021 passed by the learned A.D.J.-III-cum-Special Judge SC/ST, Patna in A.B.P. No. 7431 of 2021 arising out of Belchhi P.S. Case No. 78 of 2020, registered for the offences punishable under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code &



Section 3(i)(r) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

The notice was received by son of the informant but none appeared on his behalf.

As per allegation, when the son of informant was going to ease himself co-accused Kaushal Ram abused him and assaulted him by iron rod. The other accused persons also assaulted him and abused by calling his caste name.

Learned counsel for the appellants has submitted that specific allegation to assault is on Kaushal Ram who is not the appellant here whereas the allegation against the appellants are general and omnibus. There is case and counter case for the same day occurrence and the appellants are the persons of clean antecedent.

In these circumstances, the appeal is allowed and the impugned order dated 16.11.2021 passed by the learned A.D.J.-III-cum-Special Judge, SC/ST, Patna is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-III-cum-Special Judge, SC/ST, Patna in connection with Belchhi P.S. Case No. 78 of 2020.



Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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