

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3852 of 2022**

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKARPUR District- West Champaran

1. DEEPAK KUMAR Son of Late Adalat Patel Resident of Village - Shihpur, P.S.- Sathi, District - West Champaran 845449
2. Sailesh Kumar Patel Son of Manoj Patel Resident of Village - Shihpur, P.S.- Sathi, District - West Champaran 845449

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                            |
|----------------------|---|--------------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Abhinav Pandey, Advocate<br>Mr. Dhananjay Kumar, Advocate<br>Ms. Raj Lakshmi, Advocate |
| For the Respondent/s | : | Ms. Usha Kumari 1, Spl. P.P.                                                               |

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

3      19-12-2022                      Heard learned counsel for the parties.

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 17.10.2022 in A.B.P. No. 2921 of 2022 passed by the learned 1<sup>st</sup> Additional Sessions Judge, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 249 of 2022 registered under Sections 323, 307, 341, 504, 325, 354/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

Learned counsel for the appellants submits that appellants are persons with clean antecedent and appellant no. 2 is a young boy aged about 20 years.

The informant alleges that on 22.03.2022 at about 05:45



p.m. his daughter informed that Prince Kumar has taken her picture by mobile on which the informant went to his house and asked him to delete the picture on which Prince Kumar abused him. It is further alleged that in the meantime Manish Kumar came and assaulted him by an iron rod causing injury on his head, further Manish Kumar Patel and Niraj Kumar Sah assaulted Sumit Ram who had intervened by an iron rod causing injury on his head. It is further alleged that when Sanjay Baitha and Kedar Patel came to save them the accused persons including the appellants assaulted them by lathi, danda and rod. Further, the injured were taken to the hospital.

Learned counsel for the appellants submits that appellants have been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of hurling abuse and assault is against Prince Kumar, Manish Kumar and Niraj Kumar Sah and as far as the appellants are concerned, the allegation against them are general and omnibus in nature. It is next submitted that there is no specific allegation against the appellants of abuse even. It is also submitted that appellant no. 2 is a young boy and if he is sent to judicial custody in the nature of allegation as alleged then his entire career may get jeopardized and chances are bright that he may come in contact with the hardened criminals. It is further submitted that appellants will not evade the law rather will cooperate in the investigation.



Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the impugned order is set aside and this appeal stands allowed.

**(Satyavrat Verma, J)**

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