

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3877 of 2022**

Arising Out of PS. Case No.-276 Year-2022 Thana- NAVINAGAR District- Aurangabad

1. PRINCE KUMAR SINGH SON OF HIMACHAL SINGH R/O VILL.- BASDIHA, P.O.- BELAI, P.S.- NABINAGAR, DISTT.- AURANGABAD
2. HIMACHAL SINGH SON OF ASHNARAYAN SINGH R/O VILL.- BASDIHA, P.O.- BELAI, P.S.- NABINAGAR, DISTT.- AURANGABAD
3. ABHISHEK KUMAR SINGH @ ABHISHEK SINGH SON OF LATE DINESH SINGH R/O VILL.- BASDIHA, P.O.- BELAI, P.S.- NABINAGAR, DISTT.- AURANGABAD
4. VIVEK KUMAR SINGH SON OF LATE DINESH SINGH R/O VILL.- BASDIHA, P.O.- BELAI, P.S.- NABINAGAR, DISTT.- AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. VINAY BAITHA SON OF BIJLI BAITHA R/O VILL.- BASDIHA, P.O.- BELAI, P.S.- NABINAGAR, DISTT.- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 14-12-2022 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 of anticipatory bail vide order dated 14.10.2022, passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Nabinagar P.S. Case No.276 of 2022, registered under Sections 341, 448, 323, 504, 506 and 34 of the Indian Penal Code and



Sections 3 (i) (r) (s), 3 (2) (va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The appellants have got one criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is general and omnibus allegation against the appellants that they abused the informant by naming his caste. It is submitted that there is land dispute between the parties. Learned counsel for the appellants relies upon the judgment of the Hon'ble Supreme Court passed in the case of Hitesh Verma Vs. State of Uttarakhand & Another, reported in 2020 (10) SCC 710.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the appellants by submitting that the appellants abused the informant by naming his caste inside the house. Learned counsel for respondent no.2 submits that the appellants have got one more criminal antecedent, which is not mentioned in paragraph-3 of the memo of appeal.

Having considered the facts aforesaid and the fact that the appellants are said to have abused the informant by naming his caste inside the house, let appellants, above named, in the



event of their arrest or surrender before the learned court below within a period of six weeks from today, be released 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 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Nabinagar P.S. Case No.276 of 2022, subject to the conditions 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)

Sanjay/-

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

