

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5235 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- SC/ST District- Patna

-
-
1. RAJA BABU Son of Late Mukul Yadav Resident of Village - Dumri, P.S.- Bihta, District- Patna
 2. Bajrangi @ Vishwakarma Son of Ram Pravesh Yadav Resident of Village - Dumri, P.S.- Bihta, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Manjhi son of Sita Manjhi resident of village- Kishunpur, P.S.- Bihta, District- Patna

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 08-03-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Nobody appears on behalf of the respondent no.2, though as per earlier direction of this Court vide order dated 13.12.2021, notices has been validly served upon respondent no.2.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 14.11.2019, passed by learned Additional Sessions Judge-XX-cum- Special Judge, SC/ST, Patna, in connection with SC/ST



P.S. Case No.37 of 2019, corresponding to Special Case No.503 of 2019, registered under sections 341, 323, 326, 504, 506/34 of the IPC and sections 3(1)(r)(s)/3(2)(va) of the SC/ST Act.

The prosecution case in short is that while the informant was returning home, the appellants intercepted him and started abusing by caste name, asking as to why his wife has not come for work. Meanwhile, appellant no.2 attacked the informant by knife, causing injury on his finger. Thereafter, the appellant no.1 assaulted him by means of lathi.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. There is general and omnibus allegation against the appellants. It has come in the case diary, that the injury is simple in nature. It is submitted that no case under the SC/ST Act is made out against the appellant as there is no specific allegation of hurling abuses is levelled against the appellants. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, since



there is no grievous injury on the person of the informant, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned learned Additional Sessions Judge-XX-cum- Special Judge, SC/ST, Patna, in connection with SC/ST P.S. Case No.37 of 2019, corresponding to Special Case No.503 of 2019, 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)

pallavi/-

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

