

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.417 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. CHHOTU PATEL @ CHHOTU KUMAR SON OF RAJESH PATEL @ SATYENDRA PRASAD R/O VILL.- RISORA, P.S.- MAHARJGANJ, DISTT.- SIWAN
2. PREMCHAND KUMAR @ BHODU PATEL SON OF JULUM PATEL R/O VILL.- RISORA, P.S.- MAHARJGANJ, DISTT.- SIWAN
3. INDRAJEET PRASAD @ INDRAJEET PATEL SON OF RAJDEO PRASAD R/O VILL.- RISORA, P.S.- MAHARJGANJ, DISTT.- SIWAN
4. PANKAJ PATEL @ PANKAJ KUMAR PATEL SON OF SATYENDRA PRASAD R/O VILL.- RISORA, P.S.- MAHARJGANJ, DISTT.- SIWAN
5. SUSHIL KUMAR @ DHANUK PATEL SON OF SATYENDRA PRASAD R/O VILL.- RISORA, P.S.- MAHARJGANJ, DISTT.- SIWAN
6. RAMAN KUMAR SON OF RAJESH PATEL R/O VILL.- RISORA, P.S.- MAHARJGANJ, DISTT.- SIWAN
7. ARBIND PATEL SON OF AMBIKA PRASAD @ AMBIKA PATEL R/O VILL.- RISORA, P.S.- MAHARJGANJ, DISTT.- SIWAN
8. MUSAFFIR PRASAD SON OF ALAU PRASAD R/O VILL.- RISORA, P.S.- MAHARJGANJ, DISTT.- SIWAN
9. MITHILESH PRASAD @ BHOLA PATEL SON OF LAL BABU PRASAD R/O VILL.- RISORA, P.S.- MAHARJGANJ, DISTT.- SIWAN
10. SANTOSH PATEL SON OF RAMNATH PATEL R/O VILL.- KHEMRAJ PARARI, P.S.- ANDER, DISTT.- SIWAN
11. RANJEET KUMAR SON OF LATE SURENDRA PRASAD R/O MANHA SURTA SAH KE TOLA, P.S.- MAJHAGARH, DISTT.- GOPALGANJ

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RAKESH BASFOR SON OF LATE MANAGER BASFOR R/O VILL.- BHERWANIA, P.S.- BHAGWANPUR HAT, DISTT.- SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard the parties.



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 17.11.2022 passed by learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Maharajganj P.S. Case No.199 of 2022, registered under Sections 302, 120(B), 34 of the Indian Penal Code and Section 3(1)(r)(s)(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they alongwith other co-accused persons surrounded the father and mother of the informant and assaulted them by means of sticks and punches. On information, the police brought his father to hospital in an injured condition where he was declared dead by the doctor.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants and this fact is also not denied by the learned counsel for the respondent no.2. He further submits that earlier one of the co-accused filed a case against the deceased family members on 15.06.2022 vide Maharajganj P.S.



Case No.186 of 2022 thereafter the present case has been filed by the informant against the appellants. Appellants have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Maharajganj P.S. Case No.199 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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