

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.449 of 2023

Arising Out of PS. Case No.-71 Year-2022 Thana- SC/ST District- Samastipur

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1. RAMESH SHARMA S/O BASUDEO SHARMA Resident of village- Mahadeo Math, P.S.- Rosra, District- Samastipur.
 2. PRASHANT KUMAR SHARMA S/O RAMESH SHARMA Resident of village- Mahadeo Math, P.S.- Rosra, District- Samastipur.
 3. PRAKASH SHARMA S/O RAMESH SHARMA Resident of village- Mahadeo Math, P.S.- Rosra, District- Samastipur.
 4. PRABHAT KUMAR SHARMA S/O RAMESH SHARMA Resident of village- Mahadeo Math, P.S.- Rosra, District- Samastipur.
 5. MANOJ SHARMA S/O BASUDEO SHARMA Resident of village- Mahadeo Math, P.S.- Rosra, District- Samastipur.
 6. SURENDRA SHARMA S/O BASUDEO SHARMA Resident of village- Mahadeo Math, P.S.- Rosra, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNIL PASWAN S/O MOTI PASWAN Resident of village- Dhav Ward No.- 12, P.S.- Rosra, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anshu Dhar Sharma, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP.
		Mr. Deepak Kumar, Adv.
		Mr. Dhananjay Kumar Gupta, Adv.
		Mr. Rajiv Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-07-2023 Heard the parties.

2. 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 15.12.2022 passed by learned Special Judge SC/ST (PoA) Act, Samastipur in connection with SC/ST P.S.



Case No. 71 of 2022 registered under Sections 147, 149, 341, 323, 379, 324, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that informant took 200 liter water from appellant Prakash Sharma on birthday of his son and promised that he will pay for the same on 05th September. On 05.09.2022, in evening, all the appellants came at the house of informant on motorcycle and started abusing him by taking caste name. They also assaulted the informant. Petitioner no.3 hit on the head of informant with *Chhura* due to which he sustained head injury. They also took Rs. 2000/- from pocket and snatched gold hanumani worth Rs. 3500/- from informant.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of 13 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence



under Section SC/ST Act is made out against the appellants. Appellant Nos. 2, 3 & 6 have one criminal antecedent, whereas rest of the appellants have no criminal antecedent, as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. In the facts and circumstances of the case, as there is inordinate delay in filing 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 Special Judge SC/ST (PoA) Act, Samastipur in connection with SC/ST P.S. Case No. 71 of 2022 , subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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