

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.854 of 2023

Arising Out of PS. Case No.-852 Year-2022 Thana- BIHTA District- Patna

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1. Upendra Paswan Son Of Sri Hardeo Paswan Resident Of Village- Kanchanpur Tola, P.S.- Bihta, District- Patna
 2. Bhola Kumar @ Bhola Paswan Son Of Upendra Paswan Resident Of Village- Kanchanpur Tola, P.S.- Bihta, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahapati Devi Wife of Late Surendra Paswan Resident of Village- Kanchanpur Tola, P.S.- Bihta, District- Patna, Pin NO.- 801103

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Virendra Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2023 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

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 bail vide order dated 11.01.2023, passed by learned Special Judge (SC/ST), Patna in connection with Bihta P.S. Case No. 852 of 2022, registered under Sections 341,323, 307, 302, 147, 148, 149 of the IPC, Section 27 of the Arms Act and Sections 3(2) (v) of SC/ST Act.

3. Appellants along with other accused persons are said to have assaulted the people of mohalla by means of lathi-danda



and rod due to which several persons became injured.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. He submits that there is specific allegation against co-accused Binay Yadav and Ramfal Yadav. He submits that the appellants are also members of Scheduled Caste, therefore, no case under SC/ST Act is made out against the appellants. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

5. However, learned Special P.P. for the State and learned counsel for the respondent no. 2 opposing the prayer for bail submit that appellants and other co-accused persons have assaulted the husband of the informant and other villagers as a result of which husband of the informant died.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellants, let 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 Exclusive Special Judge (SC/ST Act), Patna in connection with Bihta P.S. Case No. 852 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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