

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.732 of 2022

Arising Out of PS. Case No.-206 Year-2020 Thana- AWTARNAGAR District- Saran

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1. MAMTA DEVI @ MAMATA DEVI W/O SANTOSH SINGH R/o village- Ramgarha, P.S.- Avatar Nagar, District- Saran at Chapra
 2. Munmun @ Manish Kumar Singh @ Munmun Singh S/o Jagdish Singh R/o village- Ramgarha, P.S.- Avatar Nagar, District- Saran at Chapra
 3. Raju Kumar @ Raja Kumar @ Raja Singh S/o Anil Kumar Singh R/o village- Ramgarha, P.S.- Avatar Nagar, District- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar son of Avdhesh Manjhi resident of village- Ramgarha, P.S.- Avtarnagar, District-Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Giridhar Gopal Tiwary, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP. Mr. Ravi Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove
the defects within four weeks.

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 of anticipatory bail vide order dated
22.01.2021 passed by learned 1st Additional Sessions Judge cum
Special Judge SC/ST (POA) Act, Saran in connection with



Avatar Nagar P.S. Case No. 206 of 2020 registered under Sections 147, 148, 149, 341, 323, 324, 307, 354B, 379, 120B, 504, 506 of the Indian Penal Code and Section 3(1) (S) (R), 3 (2)(va) of the Scheduled Castes and Scheduled Tribes Act.

As per FIR, the informant went to the house of co-accused Santosh Singh with an application to avail the benefit of flood relief. Thereafter, co-accused Santosh Singh abused him by calling his caste name. Thereafter, other accused persons came there and they badly assaulted the informant and the other members of SC/ST members.

It is submitted by learned counsel for the appellants that 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The whole prosecution story is totally false and concocted. No occurrence took place in the manner as stated in the FIR. There is case and counter case between the parties. The similarly situated co-accused have been granted anticipatory bail by the co-ordinate bench of this Court in Criminal Appeal (SJ) No. 2109 of 2022 vide order dated 04.01.2023. Appellants have no criminal antecedent as



mentioned in para-3 of memo of appeal.

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, since the similarly situated co-accused have been granted anticipatory bail, 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 Addl. Sessions Judge cum Special Judge SC/ST (POA) Act, Saran in connection with Avatar Nagar P.S Case No. 206 of 2020, 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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