

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1110 of 2023**

Arising Out of PS. Case No.-60 Year-2022 Thana- ANGARGHAT District- Samastipur

RAM BABU SAHNI @ RAM BABU SAHANI Son of Botal Sahani R/v-
Dadhiya Asadhar, P.S.- Angar Ghat, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. SAROVARI DEVI Wife of Late Ram Bharosh Paswan R/v- Dadhiya Asadhar @ Dadhiya Aradhar, P.S.- Angar Ghat, District- Samastipur

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 10-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 22.03.2023, the learned Spl.PP for the State informed the informant about the present case but nobody has entered appearance on her behalf.

On the order of this Court, learned counsel appearing on behalf of the appellant produced a copy of the case diary of the present case. Let it be accepted and kept on record.

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



15.10.2022, passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with Angar Ghat P.S. Case No.60 of 2022, registered under Sections 302, 120B/34 of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he is involved in the murder of the husband of the informant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to enmity. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. He further submits that the appellant is not named in the FIR, he has been made accused in the present case on the basis of confessional statement of co-accused Jitendra Kumar. He further submits that from the perusal of the para-127 of the case diary it is evident that the co-accused Jitendra and Laxman assaulted the husband of the informant due to which he died. Appellant has two criminal antecedent as mentioned in para-3 of this memo of appeal.



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

Considering the facts and circumstances of the case, as there is no specific overt act against the appellant, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Samastipur in connection with Angar Ghat P.S. Case No.60 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)

shikha/-

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

