

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1690 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- NAVINAGAR District- Aurangabad

1. Biru Dubey @ Anshu Kumar S/O Sanjay Tiwari Resident Of Village- Simri, P.S.- Amba, District- Aurangabad, At Present R/O Village- Pachmo, P.S.- Nabinagar (Badem), District- Aurangabad
2. Vikash Dubey @ Vikash Kumar Dubey S/O Late Durendra Dubey Resident Of Village- Pachmo, P.S.- Nabinagar (Badem), District- Aurangabad.
3. Manish Dubey @ Manish Kumar Dubey S/O Bhola Dubey @ Ramashankar Dubey Resident Of Village- Pachmo, P.S.- Nabinagar (Badem), District- Aurangabad.
4. Balram Dubey S/O Late Rajeshwar Dubey Resident Of Village- Pachmo, P.S.- Nabinagar (Badem), District- Aurangabad.
5. Dipu Dubey @ Deepu Dubey S/O Late Bijay Dubey Resident Of Village- Pachmo, P.S.- Nabinagar (Badem), District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manuranjan Kumar Ravi S/O Kaushal Ram Resident Of Village- Nerua, P.S.- Navinagar (Badem), District- Aurangabad.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2023 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Special Public Prosecutor for the State.

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 23.02.2023, passed by learned 1st Additional District and Sessions Judge-cum-Special



Judge (SC/ST), Aurangabad in connection with Nabinagar (Badem) P.S. Case No. 71 of 2023, registered under Sections 341, 323, 307, 504/34 of the IPC and Sections 3(i) (r)(s)/3(2)(v) of SC/ST Act.

The appellants along with other accused persons are said to have assaulted the informant. They also abused him by taking caste name.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. 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 submits that the injury found upon the victim is simple in nature. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

However, learned Special P.P. for the State and learned counsel for the respondent no. 2 oppose the prayer for bail.

Considering the facts and circumstances of the case, 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 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Nabinagar (Badem) P.S. Case No. 71 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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