

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2335 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- SC/ST District- Aurangabad

1. Sushil Kumar Singh @ Sushil Singh Son Of Ramji Singh Resident Of Village - Manjurahi, P.S. - Aurangabad (Mufassil), District - Aurangabad.
2. Mrityunjay Singh @ Dudun Singh Son Of Ramadhar Singh Resident Of Village - Manjurahi, P.S. - Aurangabad (Mufassil), District - Aurangabad.
3. Amitesh @ Amitesh Kumar Singh Son Of Late Ramji Singh Resident Of Village - Manjurahi, P.S. - Aurangabad (Mufassil), District - Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhanu Pratap Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-03-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the State submits that he has informed the informant but nobody appears on his behalf.

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 22.12.2020, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Aurangabad in connection with Aurangabad Sadar SC/ST P.S. Case No. 35 of 2020, registered under Sections 147, 149, 341, 323, 325, 354, 504, 506 of the IPC and Sections 3(i) (r) (S) (O)/3 (2)(va) of SC/ST Act.

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 no specific overt act against the appellants to abuse the informant by taking caste name. He submits that the similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 02.07.2021 passed in Cr. APP (SJ) No. 1338 of 2021. He further submits that appellants have criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case and the fact that the similarly situated co-accused has already been granted bail, 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 Sessions Judge-cum-Special Judge, SC/ST Aurangabad in connection with Aurangabad Sadar SC/ST P.S. Case No. 35 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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