

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1725 of 2023

Arising Out of PS. Case No.-383 Year-2021 Thana- KOILWAR District- Bhojpur

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1. GOLU KUMAR Son of Birendra Rai Resident of Village - Manachak, P.S.- Koilwar, District - Bhojpur.
 2. Sonu Kumar Son of Birendra Rai Resident of Village - Manachak, P.S.- Koilwar, District - Bhojpur.
 3. Gautam Kumar Son of Late Surendra Rai Resident of Village - Manachak, P.S.- Koilwar, District - Bhojpur.
 4. Deepak Kumar Son of Ram Babu Rai Resident of Village - Manachak, P.S.- Koilwar, District - Bhojpur.
 5. Binod Kumar @ Vinod Kumar Son of Raj Kumar Rai Resident of Village - Manachak, P.S.- Koilwar, District - Bhojpur.
 6. Birendra Rai Son of Late Ram Pravesh Rai Resident of Village - Manachak, P.S.- Koilwar, District - Bhojpur.

... .. Appellants.

Versus

1. The State of Bihar.
2. Mahabir Ram, Son of Lakhan Ram Resident of village - Mahdeochak, Simariya, P.S.- Koilwar, District - Bhojpur.

... .. Respondents.

Appearance :

For the Appellant/s	:	Mr. Rajani Ranjan Pd. Singh
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-07-2023 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State
has informed that in compliance of the order dated 19.04.2023,
he has informed the informant but none is present of his behalf.

3. 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 03.02.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Bhojpur at Ara in connection with Koilwar P.S. Case No. 383 of 2021 registered under Sections 147, 148, 341, 307, 504, 506 & 149 of the Indian Penal Code and Section 3(1) (i) (f) (g) (r) (s), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The Appellants are said to have abused and assaulted the informant and others by taking their caste name.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. As a matter of fact, there was land dispute between the parties and in fact the prosecution side had gone to take possession over the land without any valid document. The allegation of assaulting the informant is not specific rather general and omnibus in nature. The specific allegation is against co-accused, Arun Kumar. Similarly situated co-accused, namely, Parmod Kumar @ Parmod Kumar Rai has already been enlarged on bail by this Court vide order dated 02.03.2023 passed in Cr. Appeal (SJ) No.4046 of 2022. Appellants have



criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Special Public Prosecutor for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, 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 released 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, Bhojpur at Ara in connection with Koilwar P.S. Case No.383 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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