

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1254 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- SONEPUR District- Saran

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1. RAUSHAN KUMAR S/o Vijay Kumar Ray R/o village- Sabalpur Chaharam, P.S.- Sonapur, District- Saran at Chapra
 2. Sonu Kumar S/o Vijay Kumar Ray R/o village- Sabalpur Chaharam, P.S.- Sonapur, District- Saran at Chapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. D.K. Sinha, Sr. Adv.

Mr. Abhinay Raj, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-03-2023 Heard learned senior counsel for the appellants and learned Special Public Prosecutor for the State.

Learned Special Public Prosecutor has informed the Court that in compliance of the order dated 15.02.2023, he informed the respondent no.2 but nobody appears on the behalf of the respondent no.2.

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 09.03.2022 passed by learned Third Additional and Sessions Judge-cum- Special Judge, SC/ST, Act Saran in connection with



Sonepur P.S. Case No. 155 of 2021 registered under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants along with other accused persons entered the house of the informant and abused him. On protest, they assaulted the informant side. Petitioner no.2 is said to have fired three rounds. The cow shade was also set on fire by the appellants.

It is submitted by learned senior counsel for the appellants that the appellants are quite innocent and have committed no offence. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to personal grudge. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house and not in public view, hence no offence under SC/ST Act is made out against the appellants. He further submits that all the injuries sustained by the victim are simple in nature. Appellants have one criminal antecedent as mentioned in para-3 of memo of appeal.



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

Considering the facts and circumstances of the case and the arguments of the parties, as the occurrence took place inside the house and all the injuries sustained by the victim are simple in nature, 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 Third Additional And Sessions Judge cum Special Judge (SC/ST Act), Sharan in connection with Sonapur P.S. Case No. 155 of 2021, 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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