

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1722 of 2023

Arising Out of PS. Case No.-36 Year-2022 Thana- SC/ST District- Patna

1. Kumar Vivek Sharma @ Vivek Kumar, S/O Late Kamal Mistry, Resident of Village- Udarhamanpur, P.S.- Mehendi Ganj, District- Patna.
2. Kanti Devi, W/O Kumar Vivek Sharma, Resident of Village- Udarhamanpur, P.S.- Mehendi Ganj, District- Patna.
3. Dhenu Sharma @ Utkarsh Raj, S/O Kumar Vivek Sharma, Resident of Village- Udarhamanpur, P.S.- Mehendi Ganj, District- Patna.
4. Bhokat Sharma @ Vijay Bhaskar Sharma, S/O Late Kamal Mistry, Resident of Village- Udarhamanpur, P.S.- Mehendi Ganj, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2023 Heard learned counsel for the appellant 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 26.07.2023, he has informed the informant/ complainant but none is present on his/her 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 18.11.2022 passed by learned Court of



Exclusive Sessions Judge, SC/ST Act, Patna in connection with A.B.P. No.8268 of 2022 arising out of Patna SC/ST P.S. Case No. 36 of 2022 registered under Sections 147, 149, 341, 323, 354, 435, 427, 504, 504 of the Indian Penal Code and Sections 3(1) (r) (s) (c) (w) (i) 3 (1) z / 3(2) (iii) / 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that the appellants and other co-accused persons went to the house of the informant and tried to break the door of his house. When the informant opened the door, the accused persons abused by taking caste name and assaulted the informant and her family members. It is also alleged that the accused persons destructed the tempo of the informant.

5. It is submitted by learned counsel for the appellant that appellant no.3 has been apprehended by the police and he has not pressed the anticipatory bail application in respect of appellant no.3. Now, he is pressing the anticipatory bail application of appellant nos.1, 2 and 4.

6. Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. They have falsely been implicated in this case due to dirty village



politics. There is no specific overt act against these appellants and similarly situated co-accused person have already granted anticipatory bail by this bench vide order dated 10.05.2023 passed in Cr. Appeal (SJ) No.949 of 2023.

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

8. In the facts and circumstances of the case, let the appellant nos.1,2 and 4 (Kumar Vivek Sharma @ Vivek Kumar, Kanti Devi and Bhokat Sharma @ Vijay Bhaskar Sharma respectively), 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Sessions Court, SC/ST Act, Patna in connection with Patna SC/ST P.S. Case No. 36 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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