

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1288 of 2022

Arising Out of PS. Case No.-377 Year-2021 Thana- BARUN District- Aurangabad

1. RAJDEO SINGH SON OF CHALITAR SINGH R/O VILLAGE-SAHASPUR, P.S.- BARUN, DISTRICT- AURANGABAD (BIHAR)
2. MUNNA KUMAR SINGH SON OF RAJDEV SINGH R/O VILLAGE-SAHASPUR, P.S.- BARUN, DISTRICT- AURANGABAD (BIHAR)
3. BABAN KUMAR SON OF RAJDEV SINGH R/O VILLAGE-SAHASPUR, P.S.- BARUN, DISTRICT- AURANGABAD (BIHAR)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lal Bahadur Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-03-2023 Heard learned 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 18.02.2022 passed by learned 1st Additional District & Sessions



Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Barun P.S. Case No. 377 of 2021, registered under Sections 341, 323, 354B, 504/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants are said to have assaulted the informant and her family members.

It is submitted by learned counsel for the appellants that 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 ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is specific allegation against the co-accused Gabbar that he tore the blouse of Shila Devi. There is land dispute between the parties. Appellant no.1 has one criminal antecedent whereas appellant nos. 2 & 3 have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case, as there is no specific overt act against the appellants, 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 Addl. District & Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Barun P.S Case No. 377 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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