

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1296 of 2022

Arising Out of PS. Case No.-478 Year-2021 Thana- HISUWA District- Nawada

1. Abhiram Singh S/O Late Santoshi @ Santokhi Singh Resident Of Village- Bhadseni, P.S.- Hisua, District- Nawada.
2. Kundan Kumar S/O Abhiram Singh Resident Of Village- Bhadseni, P.S.- Hisua, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rekha Prasad

For the Respondent/s : Mr. Usha Kumari 1

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 Spl. PP for the State, in compliance of order dated 15.02.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

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 10.03.2022 passed by learned A.D.J.-3rd, (Exclusive Court Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act), Nawada, in connection with



A.B.P. No. 463 of 2022 arising out of Hisua P.S. Case No. 478 of 2021 registered under Sections 279, 325, 448, 341, 323, 354(B), 379, 504/34 the Indian Penal Code, Section 3/4 of the D.P. Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, it is alleged that the appellants along with other accused persons hit the husband of the informant as a result of which his hand was fractured. It is further alleged that appellant no.1 had snatched gold chain from the neck of the informant.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste, therefore, no offence under Section SC/ST Act is made out against the appellant. He submits that the appellants are falsely been implicated in the present case. He further submits that the injury was found simple in nature, as it is clear from the injury report mentioned in the case diary. Appellant no. 1 has got one criminal antecedent and appellant no. 2 has got no criminal antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail



and submits that the appellants abused the respondent no. 2/informant by taking caste name and have assaulted informant's husband.

Considering the facts and circumstances of the case and the fact the injury was found simple in nature, 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 learned A.D.J.-3rd, (Exclusive Court Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act), Nawada, in connection with A.B.P. No. 463 of 2022 arising out of Hisua P.S. Case No. 478 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)

anand/-

U		T	
---	--	---	--

