

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1457 of 2022**

Arising Out of PS. Case No.-366 Year-2021 Thana- MAHNAR District- Vaishali

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1. MUKESH KUMAR SINGH Son of Late Viveka Nand Singh @ Birendra Singh Resident of Village - Chamraha, P.S.- Mahnar, Distt.- Vaishali at Hajipur.
 2. Aman Kumar Singh Son of Mukesh Kumar Singh Resident of Village - Chamraha, P.S.- Mahnar, Distt.- Vaishali at Hajipur.
 3. Nischay Kumar Singh @ Nikku Son of Late Late Paswan Singh Resident of Village - Chamraha, P.S.- Mahnar, Distt.- Vaishali at Hajipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Kumar Paswan S.I., Mahanar(P.S.), District-Vaishali at Hajipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Niranjan Parihar, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 25-01-2023 Heard the parties.

Learned Special Public Prosecutor submits in the Court that he informed the respondent no.2 but nobody appears on his behalf.

Learned counsel for the appellants undertakes to remove the defects within four weeks.

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



02.04.2022 passed by learned A.D.J. cum Special Judge SC/ST Vaishali in connection with Mahnar P.S. Case No. 366 of 2021 registered under Sections 147, 333, 143, 353, 188, 323, 324 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

Allegedly, appellants are said to have abused the informant. They also pelted stones and bricks on the police force.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The present case has been planted by the police in collusion with Chaukidar at the instance of enemy of the appellants. Informant has not sustained any injury and there is no injury report in the case diary. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. It is further submitted that the similarly situated co-accused has been granted anticipatory bail by the Co-ordinate Bench of this Court



in Cr. Misc. No. 1454 of 2022 vide order dated 07.12.2022.
Appellants 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, since similarly
situated co-accused has been granted bail, 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 A.D.J. cum
Special Judge (SC/ST Act), Vishali at Hajipur in connection
with Mahnar P.S Case No. 366 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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