

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1466 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

1. SAHDEO RAI SON OF SHITAL RAI R/O VILLAGE- DIGHI KHURD, P.S.- HAJIPUR SADAR, DISTRICT- VAISHALI
2. SHANKAR RAI SON OF RAMESHWAR RAI R/O VILLAGE- RAJA PAKAR, P.S.- RAJAPAKAR, DISTRICT- VAISHALI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Vinod Kumar Chhotelal Chaudhary R/O Village-Dadhua, P.S.-Patepur, District-Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Naresh Chandra Verma, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

A supplementary affidavit has been filed on behalf of the appellants.

Learned Spl.PP. for the State informs the Court that he informed the respondent no.2 but nobody appears on his behalf.

Learned counsel for the appellants is directed 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 Special Judge (SC/ST Act), Vaishali in connection with Sadar P.S. Case No. 51 of 2022 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants along with other accused persons surrounded the informant near circuit house and assaulted him by tying *gamcha* in his neck. They also abused the informant by taking his caste name.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is business rivalry between the parties. There is case and counter case between the parties. 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. Appellant no. 1 has three criminal antecedents whereas appellant no.2 has 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, there is business rivalry between the parties, 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 Special Judge (SC/ST Act), Vaishali in connection with Sadar P.S Case No. 51 of 2022, 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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