

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1887 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- HATHAURI District- Samastipur

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1. MEERA DEVI @ MIRA DEVI Wife of Ram Jeevan Ram Resident of village-Rahtauli, P.S.-Hathauri, District-Samastipur
 2. PRITI KUMARI Daughter of Ram Jeevan Ram Resident of village-Rahtauli, P.S.-Hathauri, District-Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. SHASHI BHUSHAN RAM Son of Late Upendra Ram Resident of village-Rahtauli, P.S.-Hathauri, District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Kumar Mishra, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 28.06.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his 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 04.03.2023 passed by learned Special Judge



SC/ST (POA) Act, Samastipur in connection with Hathauri P.S. Case No. 07 of 2023 registered under Sections 307/34 of the Indian Penal Code and Section 27 of Arms Act and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution story, in brief, is that on 04.01.2023 at about 00:30 AM, when the informant was sleeping in his home, one unknown person entered the house of informant and fired upon him with intention to kill him. On hearing sound of gun shot, the informant's wife woke up and saw that the informant received bullet injury on his left lower rib cage.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. Appellants no.1 is mother of appellant no.2. They 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. Their name have been transpired in the present case merely on suspicion. There is no any evidence in the case diary against them. They have been made accused in the present case due to previous enmity. Appellants have no criminal antecedent as mentioned in para-3



of memo of appeal.

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

7. In the facts and circumstances of the case, as there is no specific allegation of slating the informant by taking his caste name, 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 (POA) Act, Samastipur in connection with Hathauri P.S. Case No. 07 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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