

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2019 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- MADANPUR District- Aurangabad

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1. VISHAL KUMAR SINGH @ VISHAL KUMAR Son of Satyendra Singh R/V- Thawai, PS- Madanpur Dist- Aurangabad
 2. Sumit Kumar Singh @ Sumit Kumar Son of Rakesh Kumar Singh R/V- Thawai, PS- Madanpur Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Shambhu Paswan Son of Late Gopal Paswan R/V- Thawai, PS- Madanpur Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 31.03.2023 in A.B.P. No. 372 of 2023 passed by the learned 1st Additional Sessions Judge S.C./S.T. (POA) Act, Aurangabad in connection with Madanpur P.S. Case No. 49 of 2023 registered for the offences punishable under Sections 307, 341, 323, 324, 504, 506, 147, 148 and 149 of the Indian Penal



Code as well as Sections 3(i)(r)(s) and 2(va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that accused persons objected the root of immersion of Goddess Saraswati idol and further abused him by taking caste name and thereafter entered his house and assaulted his brother by *tangi* causing injury on nose.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that no specific overt act has been alleged against the appellants nor it is alleged that the occurrence was witnessed by any witness and even presuming what has been alleged is true with regard to assault of his brother, without admitting, then the occurrence was not in public view.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 31.03.2023 in A.B.P. No. 372 of 2023 passed by the learned 1st Additional Sessions Judge S.C./S.T. (POA) Act, Aurangabad in connection with



Madanpur P.S. Case No. 49 of 2023 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Madanpur P.S. Case No. 49 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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