

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2013 of 2023

Arising Out of PS. Case No.-62 Year-2022 Thana- BELCHHI District- Patna

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1. PIYUSH KUMAR Son of Satyendra Mahto @ Satyendra Sinha R/V- Gopalpur, Ps- Belchi, Dist- Patna
 2. Raushan Kumar @ Ritik Raushan son of Kusheshwar Mahto @ Kusheshwar Prasad R/V- Gopalpur, Ps- Belchi, Dist- Patna
 3. Moni Kumar @ Mohit Kumar Son of Damodar Mahto @ Damodar Prasad R/V- Gopalpur, Ps- Belchi, Dist- Patna
 4. Dhiraj Kumar @ Dhiraj Tanti @ Shatrughan Kumar Son of Ramashish Tanti R/V- Gopalpur, Ps- Belchi, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Devi Wife of Chandeshwar Pawan R/V- Gopalpur, Ps- Belchi, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rudal Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 10.05.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her 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 28.03.2023 passed by learned Exclusive Special Judge, SC/ST Act, Patna in connection with Belchhi P.S. Case No.62 of 2022, registered under Sections 307, 427 and other allied Sections of the Indian Penal Code, Section 27 of Arms Act and Section 3(1) (r)/3(1)(s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the FIR, all the accused persons including the appellants went to the house of the informant and started pelting stones on the house of the informant, as a result of which motorcycle of the informant's relative got damaged and thereafter the accused persons started firing.

5. It is submitted by learned counsel for the appellants that the 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. There is no specific overt act against the appellants. He further submits that no family member of the informant got injured in the present case. 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 overt act against the appellants, 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 the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Belchhi P.S. Case No.62 of 2022, 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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