

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2068 of 2023

Arising Out of PS. Case No.-492 Year-2022 Thana- GHOSI District- Jehanabad

Amrendra Singh Son Of Brij Bihari Singh Resident Of Village Sharma, Ps
Ghosi Distt Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Amrendra Kumar Ram Son of Moti Ram Son of Moti Ram, Police sub-Inspector, Ghosi PS Distt Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivendra Prasad
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 02.08.2023, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

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 13.03.2023 passed by learned Additional
Session Judge 1st cum-Special Judge SC/ST, Jehanabad, in
connection with Ghosi P.S. Case No. 492 of 2022 registered



under Sections 147, 341, 342, 323, 353, 279, 379 and 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellant is that he along with other co-accused persons is loading and carrying illegal sand with the help of their associates and obstructing the police party in discharge of their official duties and abused them.

5. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. 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 appellant. He submits that there is no specific overt act against the appellant. He further submits that allegation against the appellant is vague and 25-30 persons came and took away the tractors from the possession of the police. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for bail and submits that the appellant is also involved in the present case. Hence, he does not deserve privilege of anticipatory bail.

7. Considering the facts and circumstances of the



case, nature of the offence and there is no specific overt act against the appellant, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge 1st cum-Special Judge SC/ST, Jehanabad, in connection with Ghosi P.S. Case No. 492 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)

anand/-

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