

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2075 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- FESHAR District- Aurangabad

1. RANJEET KUMAR SON OF SHRINGAR SINGH R/O-TAKIPUR @ THAKURI BIGHA, P.S.-FESAR, DISTT.-AURANGABAD, BIHAR
2. PURAN KUMAR SON OF SHRINGAR SINGH R/O-TAKIPUR @ THAKURI BIGHA, P.S.-FESAR, DISTT.-AURANGABAD, BIHAR
3. SHYAM SUNDAR SINGH SON OF LATE JAGMOHAN SINGH R/O-TAKIPUR @ THAKURI BIGHA, P.S.-FESAR, DISTT.-AURANGABAD, BIHAR
4. DHARMENDRA SINGH ARJUN SINGH R/O-TAKIPUR @ THAKURI BIGHA, P.S.-FESAR, DISTT.-AURANGABAD, BIHAR
5. RAHUL KUMAR SON OF SUDARSHAN SINGH R/O-TAKIPUR @ THAKURI BIGHA, P.S.-FESAR, DISTT.-AURANGABAD, BIHAR
6. VINAY SINGH SON OF GOPAL SINGH R/O-TAKIPUR @ THAKURI BIGHA, P.S.-FESAR, DISTT.-AURANGABAD, BIHAR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR AND ANR BIHAR
2. UPENDRA CHANDRAVANSHI SON OF SURYADEO CHANDRAVANSHI R/O-THAKURI BIGHA, P.S.-FESAR, DISTT.-AURANGABAD, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Alka Singh
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Bindeshwar Pd. Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. 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 Court of Special Judge (SC/ST)-cum-1st Addl. District & Sessions Judge, Aurangabad in connection with Fesar P.S. Case No.58 of 2023, registered under Sections 307, 504, 506 and other allied Sections of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants and other co-accused persons assaulted the informant's side by means of several weapons due to which they sustained injuries.

4. 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 to abuse the informant by taking caste name. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail. It is fairly



submitted by the learned counsel for the respondent no.2 that though there is an allegation against the appellants to assault the informant but in the impugned order it is not mentioned that on which part of the body, the informant sustained injuries.

6. 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 Court of Special Judge (SC/ST)-cum-1st Addl. District & Sessions Judge, Aurangabad in connection with Fesar P.S. Case No.58 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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