

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2093 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- PALIGANJ District- Patna

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1. ASHOK KUMAR SON OF LATE BAJRANGI SINGH R/O-MASAUDHA, P.S.-PALIGANJ, DISTT.-PATNA
 2. KUNAL KUMAR SON OF UMESH SINGH R/O-MASAUDHA, P.S.-PALIGANJ, DISTT.-PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. SHAILESH PASWAN SON OF RAMCHAPIT PASWAN R/O-MASAUDHA, P.S.-PALIGANJ, DISTT.-PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madhukar Anand, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-09-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about his appearance in the appeal 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 for anticipatory bail vide order dated 24.03.2023, passed by learned Special Judge (SC & ST Act), Patna, in connection with Paliganj P.S. Case No.42 of 2023,



registered u/s 341, 323, 504, 34 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

4. As per F.I.R., the appellants intervened the informant and his associates in their way and abused by caste name and assaulted the informant.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that from bare perusal of the fardbeyan, it is evident that there is contradiction in the statement of the informant, as at the top lines, he alleged that he was returning on 26.01.2023 at around 3:00 PM but later on, he alleged that the occurrence took place in the night. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against the appellants as to who abused the informant by taking caste name. It is further submitted that the injury was found simple in nature. Appellant no.2 has no criminal antecedent and appellant no.1 has one criminal antecedent.

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

7. Considering the facts and circumstances of the case and



the contradiction in the statement of the informant in the fardbeyan itself, I am inclined to enlarge the appellants on anticipatory bail. Let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC & ST Act), Patna, in connection with Paliganj P.S. Case No.42 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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