

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2189 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- MAKER District- Saran

1. SUCHINDRA SINGH son of Late Mishri Lal Singh Village- Paschim Tahara Po Ps- Maker, Dist- Saran
2. Prince Kumar son of Sachindra Singh Village- Paschim Tahara Po Ps- Maker, Dist- Saran
3. Sanjeev Kumar son of Sachindra Singh Village- Paschim Tahara Po Ps- Maker, Dist- Saran
4. Rohit KUMar son of Sanjeev Singh Village- Paschim Tahara Po Ps- Maker, Dist- Saran
5. Vikal Kumar son of Suchindra Singh Village- Paschim Tahara Po Ps- Maker, Dist- Saran
6. Abhishek Kumar son of Rajkumar Singh Village- Chand Tahara Po Ps- Maker Dist- Saran
7. Vikash Kumar son of Sambhunath Singh Village- Chand Tahara Po Ps- Maker Dist- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Advocate Mr. Aishwarya Shree, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-07-2023 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 05.04.2023 in A.B.P. No. 797 of 2023 passed by the



learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saran in connection with Maker P.S. Case No. 11 of 2023 registered for the offences punishable under Sections 342, 323, 324, 307, 504, 506 and 120B of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and they have been falsely implicated in the present case by the informant (Vishal Kumar). It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that four named accused persons came at his door and asked his mother about him, whereafter his mother called the informant from the house and he accompanied the named accused persons to the dam and when they reached near the house of Suchindra Singh, it is alleged that the appellants were present there from before and they started abusing the informant by taking his caste name and Suchindra Singh gave order to kill him on which the accused persons dragged him in a room, confined him and assaulted him. It is next alleged that on alarm people from the vicinity assembled and the matter was pacified

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is



next submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant willingly accompanied the named accused persons who are not before this Court which amply demonstrates that the informant was not having any kind of fear, it is next submitted that from perusal of the allegation it would also manifest that the occurrence has not taken place in public view and the injury suffered by the injured is simple in nature, as such, it cannot be presumed that all the appellants would have assaulted the informant, it is next submitted that had all the appellants assaulted the informant in the manner as alleged in the FIR, then definitely the injuries would not have been simple. It is also submitted that since Maker P.S. Case No. 10 of 2023 was instituted from the side of the appellant, as such, the present case came to be instituted by Vishal at the behest of the accused persons of Maker P.S. Case No. 10 of 2023

Learned Spl.P.P. for the State alongwith learned counsel for the informant opposes the prayer for anticipatory bail of the appellants but are not in a position to rebut the submission of the learned counsel for the appellants that the occurrence did not take place in public view nor the FIR even remotely suggest that who were the people who assembled and



pacified the matter.

In view of the submissions made by the learned counsel for the appellants, the order dated order dated 05.04.2023 in A.B.P. No. 797 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saran in connection with Maker P.S. Case No. 11 of 2023 is hereby set aside and the appellant above-named, in the event of his 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 Maker P.S. Case No. 11 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)

Adnan/-

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