

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1636 of 2021**

Arising Out of PS. Case No.-25 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

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1. UMA SHAH Son of Late Sri Shah Resident of Village- Budawalia, Police Station- Bhabua, District- Kaimur (Bhabua).
 2. Daroga Shah Son of Ramji Sah Resident of Village- Budawalia, Police Station- Bhabua, District- Kaimur (Bhabua).
 3. Rohit Shah Son of Ramji Sah Resident of Village- Budawalia, Police Station- Bhabua, District- Kaimur (Bhabua).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Rajwanti Kuwar Late Murah Paswan Resident of Village- Budawalia, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Sunil
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-02-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.

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 of anticipatory bail vide order dated 01.07.2020, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur (Bhabua) in connection with SC/ST (Bhabua) P.S. Case No.25 of 2020, registered under Sections 341, 323, 379, 147, 148, 149, 504 and 506 of the Indian Penal Code and Sections 3 (1)



(r) (s) (w)/3 (2) (va) of the SC/ST Act.

The prosecution case, in brief, is that on the alleged date and time, the appellants interrupted the informant in execution of the *Nal-Jal Yojana* and demanded commission. When the informant refused to do so, they abused her by naming her caste. Meanwhile, 7 other co-accused armed with gadasa, lathi, danda and bhala joined the appellants. After hearing hue and cry, relatives of the informant came for her rescue. As a result of the attack by the appellants and other co-accused, Abhishek Paswan and Chhotelal Paswan suffered head injuries.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that earlier the appellant has lodged a case against the brothers-in-law of the informant on 05.06.2020 and thereafter after two days, the informant/respondent no.2 has filed the instant case against the appellants. It is submitted that there is general and omnibus allegation against the appellants and some of the co-accused persons have been granted anticipatory bail by this Court as well as by a co-ordinate Bench of this Court vide order dated 03.12.2020, passed in Criminal Appeal (SJ) No.1814 of 2020 and order dated 23.11.2022, passed in Criminal



Appeal (SJ) No.3129 of 2021.

Learned Special P.P. for the State as well as learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the appellants.

Taking into consideration the facts aforesaid, let appellants, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur (Bhabua) in connection with SC/ST (Bhabua) P.S. Case No.25 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

S.KUMAR/-

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