

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2267 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- HASPURA District- Aurangabad

1. OM PRAKASH SHARMA @ OM PRAKASH KUMAR SON OF DHARMENDRA SHARMABHIM SHARMA@DHANANJAY SHARMA RESIDENT OF VILLAGE- JALPURA, PS- HASPURA, DISTT- AURANGABAD,
2. CHHOTU SHARMA @ CHHOTU KUMAR SON OF BHIM SHARMA @ DHANANJAY SHARMA RESIDENT OF VILLAGE- JALPURA, PS- HASPURA, DISTT- AURANGABAD,
3. SHUBHAM SHARMA @ SHUBHAM KUMAR SON OF BHIM SHARMA @ DHANANJAY SHARMA RESIDENT OF VILLAGE- JALPURA, PS- HASPURA, DISTT- AURANGABAD,

... .. Appellant/s

Versus

1. The State of Bihar
2. RAJANATI DEVI WIFE OF MUNSHI MOCHI RESIDENT OF VILLAGE- JALPURA, PS- HASPURA, DISTT- AURANGABAD,

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Singh, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr. Mukul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. 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 referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 24.04.2023 in A.B.P. No. 589 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge



S.C./S.T. (POA) Act, Aurangabad in connection with Haspura P.S. Case No. 87 of 2023 registered for the offences punishable under Sections 341, 323, 354, 504 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w)(i)/3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants at the outset seeks permission to withdraw the present appeal with respect to appellant no. 3.

4. Permission is accorded.

5. The informant alleges that on 17.03.2023, in the morning at about 07:00 AM, her husband was talking with some villagers near a Shiv temple when the accused persons including the appellants came and started abusing her husband by taking caste name, on protest they even assaulted her husband, it is next alleged that on hearing alarm the informant and her sons came but the accused persons assaulted them causing injury and Chottu Sharma (appellant no. 2) caught hand of the informant.

6. Learned counsel for the appellants submits that appellants are persons with clean antecedent, it is next submitted that the appellants have been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the allegations are



general and omnibus in nature and even presuming what has been alleged is true without admitting then the FIR does not even remotely suggest that occurrence was witnessed by any witnesses nor the FIR discloses the name of the villagers with whom her husband was talking.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 24.04.2023 in A.B.P. No. 589 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Haspura P.S. Case No. 87 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 Haspura P.S. Case No. 87 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. Accordingly the appeal stands allowed.



10.The learned counsel for the appellants is permitted
to make correction in the father’s name of appellant no. 1.

11.Permission is accorded.

(Satyavrat Verma, J)

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