

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2359 of 2023

Arising Out of PS. Case No.-08 Year-2023 Thana- SC/ST District- Vaishali

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1. ADITYA KUMAR @ ADIT KUMAR @ MANTRI KUMAR Son of Rajdeo Singh @ Rajdev Prasad Singh Resident of village- Pakri Kanth (Ramnagar Tola), P.S. - Lalganj, Distt. - Vaishali
 2. CHHOTU KUMAR Son of Rajdeo Singh @ Rajdev Prasad Singh Resident of village - Pakri Kanth (Ramnagar Tola), P.S. - Lalganj, Distt. - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sudama Paswan Son of Meghnath Paswan Resident of village - Pakri Kanth, P.O and P.S. - Lalganj, Distt. - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shanti Bhushan Singh
For the Respondent/s	:	Mr. Binay Krishna
		Mrs. Kanchan Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-10-2023 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 18.04.2023 passed by learned Special Judge (SC/ST Act), Vaishali at Hajipur in connection with SC/ST P.S. Case No.08 of 2023, registered under Sections 354, 385 and



other allied Sections of the Indian Penal Code and Section 3(1) (r)/ 3 (1) (s)/3(1)(a)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants and other co-accused persons abused and assaulted the informant.

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. He further submits that the specific allegation is against the co-accused Prem Kumar to assault the injured person and also to abuse the informant. Appellants have one 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 by submitting that the appellants are also involved in the present case.

6. In the facts and circumstances of the case, 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 Special Judge (SC/ST Act), Vaishali at Hajipur in connection with SC/ST P.S. Case No.08 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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