

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2109 of 2022

Arising Out of PS. Case No.-206 Year-2020 Thana- AWTARNAGAR District- Saran

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1. RAJA KUMAR @ RAJ RANJAN KUMAR SINGH @ RAJ RANJAN SINGH Son of Ashok Singh Resident of Village - Ramgadha, P.S.- Awtar Nagar, District - Saran.
 2. Aman Singh @ Aman Kumar Singh Son of Ashok Singh Resident of Village - Ramgadha, P.S.- Awtar Nagar, District - Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar Son of Awdhesh Manjhi Resident of Village - Ramgadha, P.S.- Awtar Nagar, District - Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anuj Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Ravi Prakash

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-01-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.05.2002 passed by learned 3rd Additional District & Sessions Judge – cum – Special Judge, SC/ST Act, Saran in connection with Awtarnagar P.S. case no.206 of 2020, registered under Sections 147, 148, 149, 341, 323, 324, 307, 354B, 379, 120-B,



504, 506 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellants alongwith other co-accused persons have abused and assaulted the informant and his family members by means of several weapons due to which they sustained injuries.

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. There is no specific allegation against the appellants to abuse the informant and others. The specific allegation is against the co-accused Raju Kumar. He further submits that the place of occurrence is the house of co-accused Santosh Singh, which is not a public place nor falls within public view. The injuries inflicted by the appellants are simple in nature. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.



In the facts and circumstances of the case, as there is no specific overt act against the appellants, 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 3rd Additional District & Sessions Judge – cum – Special Judge, SC/ST Act, Saran in connection with Awtarnagar P.S. case no.206 of 2020, subject to the condition 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)

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