

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2518 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- FESHAR District- Aurangabad

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1. Nitish Kumar Son of Late Ramdeo Singh RESIDENT OF VILLAGE TAKIPUR @ THAKURI BIGHA, PS- FESAR, DISTRICT- AURANGABAD, BIHAR
 2. Pappu Kumar Son of Late Ramdeo Singh RESIDENT OF VILLAGE TAKIPUR @ THAKURI BIGHA, PS- FESAR, DISTRICT- AURANGABAD, BIHAR
 3. Shambhu Singh Son of Late Ramdeo Singh RESIDENT OF VILLAGE TAKIPUR @ THAKURI BIGHA, PS- FESAR, DISTRICT- AURANGABAD, BIHAR
 4. Sudarshan Singh Son of Late Ramdeo Singh RESIDENT OF VILLAGE TAKIPUR @ THAKURI BIGHA, PS- FESAR, DISTRICT- AURANGABAD, BIHAR
 5. Ranjan Kumar Son of Srinagar Singh RESIDENT OF VILLAGE TAKIPUR @ THAKURI BIGHA, PS- FESAR, DISTRICT- AURANGABAD, BIHAR
 6. Kamta Singh son of Gopal Singh RESIDENT OF VILLAGE TAKIPUR @ THAKURI BIGHA, PS- FESAR, DISTRICT- AURANGABAD, BIHAR
 7. Virendra Singh @ Birendra kumar Son of Arjun Singh RESIDENT OF VILLAGE TAKIPUR @ THAKURI BIGHA, PS- FESAR, DISTRICT- AURANGABAD, BIHAR
 8. Aarmendra Singh @ Aalmendra Kumar Son of Arjun Singh RESIDENT OF VILLAGE TAKIPUR @ THAKURI BIGHA, PS- FESAR, DISTRICT- AURANGABAD, BIHAR
 9. Munna Kumar Son of Shyam Sundar Singh RESIDENT OF VILLAGE TAKIPUR @ THAKURI BIGHA, PS- FESAR, DISTRICT- AURANGABAD, BIHAR
 10. Brajesh Kumar Son of Shyam Sundar Singh RESIDENT OF VILLAGE TAKIPUR @ THAKURI BIGHA, PS- FESAR, DISTRICT- AURANGABAD, BIHAR

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Upendra Chandravanshi son of Suryadeo Chandravanshi Resident of Village- Thakuri Bigha, PS- Fesar, District- Aurangabad, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Alka Singh
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Bindeshwar Pd. Singh



CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-12-2023 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 passed by learned Special Judge (SC/ST Act)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Fesar P.S. Case No.58 of 2023, registered under Sections 147, 148, 149, 323, 341, 324, 325, 307, 427, 504, 506 of the Indian Penal Code and Section 3(1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants and other co-accused persons assaulted the informant's side by means of several weapons due to which they sustained injuries.

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 a case and counter-case between the parties and both sides have sustained injuries. He further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court vide order dated 04.10.2023 passed in Cr. App (SJ) No.2075 of 2023. There is no specific overt act against the appellants. There is no specific allegation against the appellants to abuse the informant by taking caste name. Appellants have no 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.

6. 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 Special Judge (SC/ST Act)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Fesar P.S. Case No.58 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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