

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2688 of 2023

Arising Out of PS. Case No.-101 Year-2023 Thana- ARIYARI District- Sheikhpura

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1. RAJU KUMAR Son of Geeta Ram Resident of village - Biman, P.S. - Ariyari, Distt. - Sheikhpura
 2. Geeta Ram @ Geeta Prasad Son of Late Babu Lal Ram Resident of village - Biman, P.S. - Ariyari, Distt. - Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bindu Kumari Wife of Sarvan Paswan Resident of village - Biman, P.S. - Ariyari, Distt. - Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Nandan Prasad
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Despite valid service of notice, nobody appears on
behalf of the respondent no.2.

3. 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 10.05.2023 passed by learned 1st Additional
District and Sessions Judge, Sheikhpura in connection with
Ariyari P.S. Case No.101 of 2023, registered under Sections



341, 323, 353, 427, 354, 506, 504/34 of the Indian Penal Code and Section 3(1) (r) (s) (w) 3 (v) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellants is that they assaulted the informant and also abused her by taking her caste name on the pretext of a dispute.

5. 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. He further submits that there is no specific overt act against the appellants. He further submits that the matter of fact is that the informant used to throw waste food material on the land of the accused persons and when the accused persons protested, then the informant instituted the present case. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case as there is no specific overt act against the appellant, 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 1st Additional District and Sessions Judge, Sheikhpura in connection with Ariyari P.S. Case No.101 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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