

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2291 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- SANDESH District- Bhojpur

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1. MINTA DEVI Wife of late Sobha Saw @ Shobha Saw Resident of village-Akhgaon Police Station- Akhgaon, District- Bhojpur
 2. Sharvan Kumar @ Sarvan Kumar Son of Late Sobha Saw @ Shobha Saw Resident of village- Akhgaon P.s.- Akhgaon, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Raju Kumar Son of Shernath singh resident of village-Akhgaon,P.S-sandesh,District-Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aditya Narayan Singh.1
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 08-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

In compliance of the order of this court, learned Spl P.P.
for the State informed the informant about this case but nobody
has entered appearance on his behalf.

Learned counsel for the appellants seek permission to
correct the husband's name of appellant no.1 and father's name
of appellant no.2 as it has been wrongly typed in the main
petition. The correct name of the husband's name of appellant
no.1 and father's name of appellant no.2 is mentioned in the
supplementary affidavit.



As such, learned counsel for the appellants is permitted to correct the husband's name of appellant no.1 and father's name of appellant no.2 in the main petition in course of day.

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 08.06.2022 passed by learned Additional Sessions Judge-1 cum Special Judge SC/ST Act in connection with Sandesh P.S. Case No.69 of 2022, registered under Sections 341, 323, 504, 307, 379/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the allegation, the appellants alongwith other co-accused persons came at the house of the informant with knife and started abusing his mother by taking caste name. Appellant no.1 tried to assault at the neck of informant's father and appellant no.2 assaulted the father of the informant by means of iron rod causing injury on his head.

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. The informant is not the eye witness. The said occurrence is alleged to have been taken place at the house of the appellants and not in a public place, hence no case is made out under SC/ST Act. He further submits that the occurrence took place on 11.03.2022 but the FIR has been lodged on 01.04.2022, there is inordinate delay of twenty days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

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 Additional Sessions Judge-1 cum Special Judge SC/ST Act in connection with Sandesh P.S. Case No.69 of 2022, 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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