

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2723 of 2023

Arising Out of PS. Case No.-674 Year-2022 Thana- RAHUI District- Nalanda

-
1. Mani Yadav @ Manish Arya S/O Mitu Yadav R/O Village- Indvas, Ps. Rahui, Dist. Nalanda
 2. Akash Kumar @ Vishal Kumar S/O Ram Pravesh Yadav R/O Village- Indvas, Ps. Rahui, Dist. Nalanda
 3. Sonu Kumar @ Sonu Yadav Ram Pravesh Yadav R/O Village- Saidi, Ps. Rahui, Dist. Nalanda

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sudhir Paswan S/O Late Bhola Paswan R/O Village- Indvas, Ps. Rahui, Dist. Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Singh
For the State	:	Mr. Sadanand Paswan
For the Respondent	:	Mr. Mahtab Alam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-11-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for respondent no. 2.

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 01.05.2023 passed by learned IIIrd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Biharsharif, Nalanda, in connection with Rahui P.S. Case No.



674 of 2022 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellants along with other co-accused persons are said to have resorted firing due to which brother of the informant received firearm injury.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. He submits that the informant named altogether fourteen named accused in this case with an intention to implicate all the family members including relatives. Appellants no. 1 and 2 have no criminal antecedent and appellant no. 3 has got one antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State and learned counsel for the respondent no. 2 opposed payer for anticipatory bail and submitted that the brother of the informant has received one gun shot injury, but also fairly submitted that there is general and omnibus allegation of firing against six named accused persons.



6. Considering the facts and circumstances of the case, arguments of the parties and 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 learned IIIrd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Bihar Sharif, Nalanda, in connection with Rahui P.S. Case No. 674 of 2022, 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)

anand/-

U		T	
---	--	---	--

