

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3535 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- SC/ST District- Vaishali

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1. RAKESH KUMAR S/O MUNNA RAI R/o village- Jadua, Gardaniay Chouk, P.S.- Ganga Bridge, District- Vaishali
 2. ADITYA KUMAR S/O MUNNA RAI R/o village- Jadua, Gardaniay Chouk, P.S.- Ganga Bridge, District- Vaishali
 3. RAVI KUMAR S/O ARJUN RAI R/o village- Jadua, Gardaniay Chouk, P.S.- Ganga Bridge, District- Vaishali

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Dr. Suresh Kumar son of Lal Bahadur Ram resident of village- Ishufpur, P.S.- Audyogik Kshetra Hajipur, District- Vaishali

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Manohar Prasad Singh, Advocate
For the State	:	Mrs. Usha Kumari-1, Special P.P.
For the Respondent No.2:		Ms. Chhaya Kirti, Advocate
		Mr. Saket Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-09-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the 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 27.03.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Vaishali at Hajipur in connection



with Hajipur SC/ST P.S. Case No. 51/2020 registered under Sections 341, 323, 324, 353, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. While the informant was going to Patna by his car, the appellants are said to have stopped him, abused and assaulted him and his brother by fist and slaps. They also snatched his golden chain from his neck.

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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Informant has not sustained any injury and there is no injury report on record. 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. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 vehemently opposed the prayer for bail.



Learned counsel for the respondent no.2 further submits that informant is a doctor and he has no concern with the appellants but without any rhyme and reason, respondent no.2 was abused and assaulted.

6. 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No.51/2020, 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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