

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2899 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- SC/ST District- Lakhisarai

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1. SUNNI KUMAR @ SUNNY KUMAR S/O Gautam Mandal Resident of Village - Naya Tola, Ward No.- 12, P.S.- Lakhisarai, District - Lakhisarai.
 2. Kundan Kumar Son of Pappu Mandal Resident of Village - Naya Tola, Ward No.- 12, P.S.- Lakhisarai, District - Lakhisarai.
 3. Ajay Kumar @ Mantu Mandal Son of Banke Mandal (Mil Malik), Resident of Village - Naya Tola, Ward No.- 12, P.S.- Lakhisarai, District - Lakhisarai.
 4. Bikki Kumar Son of Jagarnath Mandal Resident of Village - Naya Tola, Ward No.- 12, P.S.- Lakhisarai, District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Prithvi Kumar Son of Santosh Paswan R/O Mohalla - Santar, Ward No.- 13, P.S.- Lakhisarai, District - Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP.
		Mr. Shashank Shekhar, Adv.
		Mr. Mukul Kumar, Adv.
		Mr. Utsav Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 The present case is listed under the heading ‘*Office Notes*’ awaiting service report but learned counsel for the respondent no.2 appears in the present case, therefore, the case is being heard on merit.

2. Heard learned counsels for the parties.

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 03.05.2023 passed by learned Additional District and Sessions Judge-1st-cum-Special Judge SC/ST Act, Lakhisarai in connection with Lakhisarai P.S. Case No. 15 of 2023 registered under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code and Section 3(1) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegation against the appellants is that they abused the informant by taking his caste name and assaulted him with an intention to kill him. Appellant no.1 assaulted the informant with knife due to which he sustained head injury.

5. It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. As per the injury report, injuries sustained by the informant were found simple in nature. There is no specific allegation of slating the informant in the specific name of his caste. Appellants have no criminal antecedent as mentioned in para-3



of memo of appeal.

6. Learned Spl. PP for the State as well as learned counsel for the informant opposes the prayer for bail.

7. In the facts and circumstances of the case, as there is no allegation of slating the informant in the specific name of his caste and injuries sustained by the injured were found simple in nature, 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 Additional District and Sessions Judge-1st-cum-Special Judge SC/ST Act, Lakhisarai in connection with Lakhisarai P.S. Case No. 15 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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