

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2884 of 2023

Arising Out of PS. Case No.-364 Year-2022 Thana- MASAUDHI District- Patna

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1. ARUN SINGH Son of Late Ragho Singh Village- Bahadurganj Sukhtiya Ps- Masaurhi, dist- Patna
 2. Om Prakash Singh son of Arun Singh Village- Bahadurganj Sukhtiya Ps- Masaurhi, dist- Patna
 3. Juli Kumari D/o- Arun Singh Village- Bahadurganj Sukhtiya Ps- Masaurhi, dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. sunita Devi wife of Tuntun Rajak Village- Bahadur ganj Sukathiya, Po- Akauna Ps- Masaurhi, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indradeo Prasad
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 23.08.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

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 17.05.2023 passed by the Court of learned Special Judge (SC/ST), Patna in connection with Masaurhi P.S. Case No. 364 of 2022, registered under Sections 504, 506 and other allied Sections of the Indian Penal Code and Section 3(1) (r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, while the informant was keeping his buffalo for grazing grass on a canal, the co-accused Jay Prakash Singh came and abused the informant by taking his caste name. On objection, the appellants and other co-accused persons assaulted the informant.

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 no allegation of abuse against the appellants. There is no specific overt act against the appellants. The specific allegation is against the co-accused Jay Prakash Singh. 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, 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 Special Judge (SC/ST), Patna in connection with Masaurhi P.S. Case No. 364 of 2022, 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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