

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2623 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- BIKRAM District- Patna

-
1. SHIVENDRA KUMAR @ BUM SINGH Son of Ramkishore Sharma
Resident of Village - Shivgarh, P.S.- Bikram, District - Patna.
 2. Subodh Kumar @ Sukund Singh @ Shankut Singh Son of Late Abhay Singh
Resident of Village - Shivgarh, P.S.- Bikram, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. LALMANI DEVI WIFE OF UPENDRA MANJHI R/O VILLAGE-
SHIVGARH, P.S.- BIKRAM, DISTRICT- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rohit Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 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 her behalf.

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
14.06.2022 passed by learned Exclusive Special Court, SC/ST
Act Patna, in connection with (Bikram) P.S. Case no.135 of



2022, registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 3(1) (R)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they assaulted informant's side by means of several weapons and also abused them by taking caste name.

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 specific overt act against the appellants. 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 further submits that there is a compromise between the parties. 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 Exclusive Special Court, SC/ST Act Patna, in connection with (Bikram) P.S. Case no.135 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)

shikha/-

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

