

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2954 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- LAXMIPUR District- Jamui

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1. Kumar Praveen @ Praveen Kumar @ Praveen Kumar Ram Son Of Late Parmanand Ram Resident Of Village - Ketru Nawada, P.S. - Gidhour (O.P.), Distt. - Jamui
 2. Nandkishor Ram @ Nand Kishor Ram Son Of Bisheshwar Ram Resident Of Village - Ketru Nawada, P.S. - Gidhour (O.P.), Distt. - Jamui
 3. Kumar Paresh @ Prem Ram Son Of Ramanand Ram Resident Of Village - Ketru Nawada, P.S. - Gidhour (O.P.), Distt. - Jamui
 4. Vicky Ram @ Abhinav Kumar Son Of Late Parmanand Ram Resident Of Village - Ketru Nawada, P.S. - Gidhour (O.P.), Distt. - Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. HARERAM PASWAN SON OF NOT KNOWN At present Sub-Inspector of Gidhour (O.P) Police Station, Distt. - Jamui

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Pramod Kumar, Adv. Mr. Arvind Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-11-2023 Heard learned Senior Counsel for the appellants and
learned Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 16.08.2023, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

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 19.05.2023 passed by learned Additional District Judge-1st-cum-Special Judge, SC/ST Act, Jamui, in connection with Laxmipur (Gidhour) P.S. Case No. 139 of 2023 registered under Sections 147, 148, 149, 341, 323, 307, 353, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3(1)(s), 3(1)(w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellants along with other accused persons are said to have abused and assaulted the informant.

5. Learned Senior 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 SC/ST Act is made out against the appellant. He submits that there is case and counter case between the parties. He further submits that appellant no. 1 has sustained injury and has also given a written application at P.M.C.H., Patna on 31.03.2023. He also submits that though the injury was reserved against the informant, but in the injury report enclosed in the case dairy earlier it is mentioned simple but later on it is crossed



and stated that injury was reserved. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering the facts and circumstances of the case and the fact that there is case and counter case between the parties, 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 Additional District Judge-1st-cum-Special Judge, SC/ST Act, Jamui, in connection with Laxmipur (Gidhour) P.S. Case No. 139 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)

anand/-

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