

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2578 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- SC/ST District- Samastipur

1. VIDYABHUSHAN SINGH @ VIDYANAND SINGH Son of Late Kameshwar Prasad Singh Resident of village - Kishanpur Baikhunth, P.S.- Warisnagar, District - Samastipur.
2. Rahul Kumar Singh Son of Ashok Kumar Singh Resident of village - Kishanpur Baikhunth, P.S.- Warisnagar, District - Samastipur.
3. Niraj Kumar Singh Son of Anil Kumar Singh Resident of village - Kishanpur Baikhunth, P.S.- Warisnagar, District - Samastipur.
4. Ashok Kumar Singh Son of Late Ramshrest Singh @ Kailu Singh Resident of village - Kishanpur Baikhunth, P.S.- Warisnagar, District - Samastipur.
5. Kumar Saurav Singh Babul @ Babul Kumar Singh Son of Ashok Kumar Singh Resident of village - Kishanpur Baikhunth, P.S.- Warisnagar, District - Samastipur.
6. Rahul Kumar Singh @ Rahul Kumar Son of Late Ranjan Kishore Singh @ Ranjan Singh Resident of village - Kishanpur Baikhunth, P.S.- Warisnagar, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Paswan Son of Asharfi Paswan Resident of village - Kishanpur Baikhunth, Ward No.- 10, P.S.- Warisnagar, District - Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhay Shankar Singh, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.PP.

Mr. Madhav Kumar, Adv.

Mr. Gaurav Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 26-07-2023 Heard the parties.

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 21.06.2022 passed by learned Special Judge SC/ST (PoA) Act,



Samastipur in connection with SC/ST P.S. Case No. 5 of 2022 registered under Sections 147, 148, 341, 323, 354(B), 504, 506 of the Indian Penal Code and Section 3(1) (r) (s) (w)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, after some altercation, all the FIR named accused persons including the appellants started abusing by taking his caste name. On objection, they started assaulting the informant with lathi and iron ron. On raising alarm, wife of informant namely Shyama Devi and some villagers came and tried to save him but they were also abused and assaulted. Appellant No.5, namely, Babul Kumar Singh tried to outrage the modesty of the informant's wife.

4. 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 dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of about one month in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. 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. No person got injured in the alleged occurrence. Appellant no3 has one criminal antecedent, whereas appellant nos. 1, 2, 4, 5 & 6 have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. In the facts and circumstances of the case, as there is inordinate delay in filing the case, 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 (PoA) Act, Samastipur in connection with SC/ST P.S. Case No. 5 of 2022, 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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