

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3024 of 2023

Arising Out of PS. Case No.-263 Year-2023 Thana- TAJPUR District- Samastipur

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1. Chandan Kumar Son Of Sambhu Prasad Singh Resident Of Village Raghunathpur Ward No 10 Ps Tajpur Halai Op, Distt- Samastipur, Bihar
 2. Bandhan Kumar Son Of Sambhu Prasad Singh Resident Of Village Raghunathpur Ward No 10 Ps Tajpur Halai Op, Distt- Samastipur, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar No1

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 29-11-2023 Heard learned counsel for the appellant, respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 31.05.2023, passed by learned Special Judge (SC/ST Act), Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 263 of 2023, registered under Sections 341, 323, 307, 379, 504, 506/34 of the IPC and Sections 3(i) (r) (S), 3 (2) (va) of the SC/ST Act.

3. Appellants are said to have abused the informant by taking caste name and also assaulted snatched Rs. 20,000/- cash



and a mobile phone.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that two separate FIR has been registered regarding the same occurrence of incident in two different police station one in Tajpur (Halai O.P) P.S Case No. 263 of 2023 and another in Samastipur P.S. Case No. 34 of 2023. He submits that all the Sections of the IPC are bailable except section 307 of the IPC. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He further submits that appellants have two criminal antecedents as stated in the supplementary affidavit.

5. However, learned Special PP for the State and learned counsel for the respondent no. 2 opposing the prayer for bail submit that the appellants have suppressed the criminal antecedent.

6. Considering 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 Act), Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 263 of 2023, 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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