

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3758 of 2021**

Arising Out of PS. Case No.-216 Year-2021 Thana- AWTARNAGAR District- Saran

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1. SONU SINGH @ ABHISHEK KUMAR Son of Uday Singh R/o Village-Bharahapur, P.S.- Awatarnagar, District- Saran.
 2. Ballu Singh @ Rabi Kumar Son of Late Shubh Narayan Singh R/o Village-Bharahapur, P.S.- Awatarnagar, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaushalya Devi Daroga Basfor R/O-Bharahapur, P.S.-Awatarnagar, District-Saran(Chapra)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saroj Kumar Singh, Adv.
For the Respondent/s : Mr.Manoj Kr. Pandey, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 01-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl.PP. for the State informs this Court that he
informed the respondent no.2 but nobody appears on her behalf.

Learned counsel for the appellants undertakes to remove
the defects within four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes Act (hereinafter in short referred to
as the 'SC/ST Act') against the refusal of prayer of anticipatory
bail vide order dated 28.08.2021 passed by learned 1st
Additional Sessions Judge cum Special Judge SC/ST (POA)



Act, Saran in connection with Awatar Nagar P.S. Case No. 216 of 2021 registered under Sections 324, 379, 504, 506/34 of the Indian Penal Code and Section 3(I) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants abused the informant by taking her caste name. They also misbehaved with the informant and on protest all the accused persons started assaulting her by lathi danda and when her family members came to save her, all the accused persons assaulted them too.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. They 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. The allegation of assaulting the informant is not specific rather general and omnibus in nature. It is further submitted that the case been compromised in between the parties. He further submits that appellant no.2 Rabi Kumar is a physically handicapped and accordingly the present case is nothing else but purely based on land dispute. 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, since there is compromise between the parties, 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 1st Addl. Sessions Judge cum Special Judge SC/ST (POA) Act, Saran in connection with Awatar Nagar P.S Case No. 216 of 2021, 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)

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