

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2651 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- SC/ST District- Bhojpur

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1. NIHAL SINGH S/o Kamlesh Singh R/o village- Jagwalia, P.S.- Ara Muffasil, Distt.- Bhojpur
 2. Kush Singh @ Kush Kumar Singh S/o Jagan Singh R/o village- Jagwalia, P.S.- Ara Muffasil, Distt.- Bhojpur
 3. Kamlesh Singh S/o Late Bhagwat Singh R/o village- Jagwalia, P.S.- Ara Muffasil, Distt.- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mira Devi Ram Ayodhya Ram Resident of Village-Tetariya, P.S.- Udawantnagar, District-Bhojpur

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2659 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- SC/ST District- Bhojpur

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1. MANEGAR SINGH @ BUCHUL SINGH Son of Lalan Singh Resident of vill. - Tetaria, P.S.- Udawantnagar, Dist.- Bhojpur.
 2. Vikki Singh Son of Kamlesh Singh Resident of vill. - Jagwalia, P.S.- Ara Muffasil, Dist.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mira Devi Ram Ayodhya Ram R/Village-Tetariya, P.S.-Udawantnagar, District-Bhojpur,

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2651 of 2022)

For the Appellant/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

For the Informant : None

(In CRIMINAL APPEAL (SJ) No. 2659 of 2022)

For the Appellant/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

For the Informant : None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 31-07-2023

CRIMINAL APPEAL (SJ) No.2651 of 2022

1. Heard learned counsel for the appellants and



learned Spl. P.P. for the State. No one appears on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** *vide* order dated 01.06.2022 in A.B.P. No. 1203 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhojpur at Ara in connection with S.C./S.T.(K) P.S. Case No. 17 of 2022 registered for the offences punishable under Sections 341, 323, 354(B), 307, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r) (s)(w) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that appellant no.1 assaulted her by *lathi* causing injury, it is further submitted that there is no specific allegation of committing any overt act against the appellant nos.2 and 3 though they are alleged to have reached the place of occurrence on calling of Manager Singh.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is



next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the occurrence took place at the house of the informant, as such it was not in public view nor the FIR even remotely suggests that the occurrence was witnessed by any person as such no offence under the SC/ST Act is made out.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 01.06.2022 in A.B.P. No. 1203 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhojpur at Ara in connection with S.C./S.T.(K) P.S. Case No. 17 of 2022 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with S.C./S.T.(K) P.S. Case No. 17 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. Accordingly the appeal stands allowed.

CRIMINAL APPEAL (SJ) No. 2659 of 2022

1. Heard learned counsel for the appellants and learned Spl. P.P. for the State. No one appears on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** *vide* order dated 09.06.2022 in A.B.P. No. 1313 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhojpur at Ara in connection with S.C./S.T.(K) P.S. Case No. 17 of 2022 registered for the offences punishable under Sections 341, 323, 354(B), 307, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r) (s)(w) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that appellant no.2 in an intoxicated condition came at her house and started abusing her by taking cast name and appellant no.1 held her hand and tore her blouse and when people of the locality came, all the accused persons fled.

4. Learned counsel for the appellants submits that the



appellants have been falsely implicated in the present case, it is next submitted that though it is alleged that when neighbors came, the appellants fled but then name of the neighbors is not mentioned in the FIR which casts an aspersion on the case of the prosecution, it is further submitted that the said allegation has been made in order to make out a case under the SC/ST Act but then from the tenor of the allegations it manifests that the occurrence was not committed in a public view, further it is submitted that there is no specific allegation of committing any overt act of assault against the appellants.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 09.06.2022 in A.B.P. No. 1313 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhojpur at Ara in connection with S.C./S.T.(K) P.S. Case No. 17 of 2022 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction



of the learned court below where the case is pending/successor court in connection with S.C./S.T.(K) P.S. Case No. 17 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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