

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3800 of 2021

Arising Out of PS. Case No.-128 Year-2021 Thana- KARJA District- Muzaffarpur

-
1. Vikash Singh, Son of Late Vinod Singh, Resident Of Village- Gopalganj, P.S- Karja, Dist- Muzaffarpur, Mob No 8541050510
 2. Dhiraj Kumar Singh, Son of Sri Pramod Singh, Resident Of Village - Gopalpur P.S. - Karja Dist- Muzaffarpur, Mob No 8541050510

... .. Appellant/s

Versus

1. The State of Bihar
2. Sujit Kumar, Son of Sudama Chaudhary, Resident of Village -Gopalpur,P.S- Kajra,District-Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukund Mohan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

11 23-08-2023 Heard learned counsel for the appellant and learned Special PP for the State.

2. Learned counsel for the appellants seek permission to withdraw the appeal of appellant No.2 Dhiraj Kumar Singh submitting that during pendency of this appeal the appellant has already been apprehended.

3. Permission is granted.

4. Accordingly, the appeal for appellant No.2 - Dhiraj Kumar Singh is dismissed as withdrawn.

5. Learned counsel for the appellant filed a jointness petition in the form of I.A. stating therein that notice issued to respondent no.2 has been received by his father and both are



living jointly in the same house.

6. In such view of the matter, the service of notice upon respondent no.2 is deemed to be valid service.

7. 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 27.07.2021 passed by learned Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with A.B.P. No.2027 of 2021 arising out of Karja P.S. Case No. 128 of 2021 registered under Sections 147, 149, 341, 323, 324, 325, 307, 504, 506 of the Indian Penal Code and Section 3(1) (r) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

8. The prosecution case, in brief, is that the appellant along with other accused persons abused and assaulted the informant.

9. It is submitted by learned counsel for the appellant that the appellant is falsely been implicated in the present case. The appellant has clean antecedent as mentioned in para 3 of the memo of appeal. There is general and omnibus allegation against the appellant. There is no specific overt act against the



appellant to abuse the informant by taking cast name. There is specific overt act against the co-accused Dhiraj Kumar Singh who abuse the informant by taking the cast name.

10. Learned Spl. PP for the State opposed the prayer for bail.

11. In the facts and circumstances of the case as also the fact that there is no specific overt act against appellant No.1 to abuse the informant by taking caste name, let appellant No.1- Vikash Singh, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with A.B.P. No.2027 of 2021 arising out of Karja P.S. Case No. 128 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Accordingly, the impugned order is set aside in respect of appellant no.1 and this appeal is allowed.

(Anjani Kumar Sharan, J)

saaurabhkrsinha/-

U		T	
---	--	---	--

