

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3298 of 2023

Arising Out of PS. Case No.-545 Year-2022 Thana- GAYA MUFASIL District- Gaya

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1. JITESH KUMAR @ JITESH SINGH Son of Umesh Singh Residents of Village-Amra, Sohaipur, Police Station-Mufassil, District-Gaya
 2. PRINCE KUMAR SINGH @ PRINCE SINGH Son of Vinay Singh Residents of Village-Amra, Sohaipur, Police Station-Mufassil, District-Gaya
 3. SAURAV KUMAR @ SAURABH SINGH Son of Dinesh Singh Residents of Village-Amra, Sohaipur, Police Station-Mufassil, District-Gaya
 4. NIRAJ KUMAR Son of Akhilesh Singh Residents of Village-Amra, Sohaipur, Police Station-Mufassil, District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. SURAJ KUMAR Son of Brahmadeo Paswan Resident of Village-Ganjas, Police Station-Mufassil, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Avinash Kumar Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 30.08.2023, she informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. 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 02.05.2023 passed by learned Exclusive Special Judge, (SC/ST Act), Gaya in connection with Mufassil P.S. Case No. 545 of 2022 registered under Sections 308, 323, 325, 147, 148, 149, 34 of the Indian Penal Code and Section 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the FIR named accused persons including the appellants assaulted the informant and his friends by means of rod.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. Appellants are students. 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 and abuse levelled against the appellants is not specific rather general and omnibus in nature. There is compromise between the parties. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

7. In the facts and circumstances of the case, as there is



compromise between the parties and there is general and omnibus allegation against the appellants, 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 learned Exclusive Special Judge, (SC/ST Act), Gaya in connection with Mufassil P.S. Case No. 545 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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