

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2725 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- MALI District- Aurangabad

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1. Vicky Kumar Singh @ Sushil Singh @ Bikki Kumar Singh @ Sushil Kr. Singh S/O Satendra Kumar Singh Resident of Village - Saya Jhikatiya, P.s.- Mali, Distt.- Aurangabad.
 2. Rajiv Ranjan Singh S/O Sitaram Singh Resident of Village - Saya Jhikatiya, P.s.- Mali, Distt.- Aurangabad.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sachit Kumar Son of Birashpat Ram Resident of Village - Saya Jhikatiya, P.s.- Mali, Distt.- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-04-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 15.07.2022 passed by learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act), Aurangabad in connection with Mali P.S. Case No. 43 of 2022 under Sections 341, 323, 504, 506/34 of the Indian Penal Code and section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.



As per the FIR, all the accused persons including appellants abused the informant by caste name and also assaulted him.

It is submitted on behalf of the appellants that due to petty dispute between the parties, an altercation took place and taking advantage of the situation this false and concocted case has been instituted against the appellants. It is not the case of informant that any member of the public was present at the place of occurrence and as such, no case under SC/ST Act is made out. Rest sections are bailable. Appellants have got clean antecedent.

Counsel for informant however vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 15.07.2022 passed by learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act), Aurangabad, is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act), Aurangabad in connection with Mali P.S. Case No. 43 of 2022.

(Prabhat Kumar Singh, J)

vinita/-

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