

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2824 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- RAJAOLI District- Nawada

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1. MUNNA KUMAR Son of Lalo Das Resident of Village - Chautha, P.s.- Rajauli, Distt.- Nawada.
 2. GUDDU KUMAR Son of Suresh Kumar Resident of Village - Chautha, P.s.- Rajauli, Distt.- Nawada.

... .. Appellants.

Versus

1. The State of Bihar.
2. Chandan Kumar son of Chandan Chaudhary resident of village- Upertanda Takuatand, P.S.- Rajauli, District- Nawada

... .. Respondents.

Appearance :

For the Appellants	:	Mr. Pramod Kumar Verma, Advocate
For the State	:	Mrs. Usha Kumari-1, Special P.P.
For the Respondent no.2	:	Mr. Birendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2023 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

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 07.07.2022 passed by learned Exclusive Special Judge (SC/ST Act), Nawada in connection with Rajauli P.S. Case No. 60 of 2022 registered under Sections 147, 149, 341, 323, 308, 379, 427 & 448 of the Indian Penal Code and



Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that they in association of other co-accused are said to have entered into the house of the informant and destroyed the tent and also looted away Rs.50,000/-.

It is submitted by learned counsel for the appellants that the appellants 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. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. More so, the appellants also belong to SC community, hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.



In the facts and circumstances of the case, 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 Exclusive Special Judge (SC/ST Act), Nawada in connection with Rajauli P.S. Case No.60 of 2022, 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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