

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3224 of 2023

Arising Out of PS. Case No.-5 Year-2014 Thana- SC/ST District- Jehanabad

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1. ARVIND SINGH S/O RAM DAS SINGH R/O Village- Khira Bigha, P.S- Mahendiya, Distt.- Arwal.
 2. Rajesh Singh S/O Devinder Singh R/O Village- Khira Bigha, P.S- Mahendiya, Distt.- Arwal.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kunti W/O Thag Paswan R/O Village- Khira Bigha, P.S- Mahendiya, Distt.- Arwal.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra 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 her counsel, but nobody appears on her 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 11.05.2023 passed by learned Additional



Sessions Judge I, Jehanabad in connection with Arwal SC/ST P.S. Case No. 05 of 2014 registered under Sections 147, 341, 504, 323, 34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including the appellants are said to have assaulted the informant's side and abused her by taking her caste name.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. 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 and abuse levelled against the appellants is not specific rather general and omnibus in nature. Similarly situated co-accused have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 23.11.2022 in Criminal Appeal (SJ) No. 2080 of 2022. 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 similarly



situated co-accused have been granted bail, 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 Additional Sessions Judge I, Jehanabad in connection with Arwal SC/ST P.S. Case No. 05 of 2014, 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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