

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2827 of 2022**

Arising Out of PS. Case No.-8 Year-2022 Thana- SC/ST District- Munger

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1. MOTI LAL SHARMA SON OF LATE JAGDISH SHARMA R/O CHHOTI MIRZAPUR, P.S.- KASIM BAZAR, DIST.- MUNGER
 2. RAJ KARAN SHARMA @ RUPESH SHARMA SON OF MOTI LAL SHARMA R/O CHHOTI MIRZAPUR, P.S.- KASIM BAZAR, DIST.- MUNGER

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. AMAN KUMAR SONOF RAJENDRA PRASAD TANTI R/O BADI MIRJAPUR, P.S.- KASIM BAZAR, DIST.- MUNGER

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Baban Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 24-06-2023 Heard learned counsel for the appellants and learned
Spl. P.P. 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 24.08.2022 in A.B.P. No. 910 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Munger in connection with Munger P.S. Case No. 08 of 2022 registered for the offences punishable under Sections 341, 323, 308, 504, 506, 384 of the Indian Penal



Code, Section 27 of the Arms Act as well as Sections 3(1)(r)(s) and 3/2 (va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and from bare perusal of the allegation as alleged in the FIR it would manifest that no specific allegation has been alleged against the appellants nor allegation of assault is against them, it is next submitted that even offence under SC/ST Act is not made out as even presuming what has been alleged is true without admitting then the entire occurrence did not take place in public view rather took place at the house of Rohit and the appellants are related to Rohit.

Learned Spl. P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the appellants but are not in a position to rebut the submissions of the learned counsel for the appellants that no specific allegation of assault is attributed against the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 24.08.2022 in A.B.P. No. 910 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Munger in connection with Munger P.S. Case No. 08 of 2022 is hereby set



aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Munger P.S. Case No. 08 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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