

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3924 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- SC/ST District- Sheikhpura

1. Bharat Ram S/O Sri Jagdish Ram R/O Village-Dharampur, P.S-Sheikhpura, District-Sheikhpura.
2. Hardo Ram @ Hodo Ram @ Vikash Kumar S/O Sri Bharat Ram R/O Village-Dharampur, P.S-Sheikhpura, District-Sheikhpura.
3. Jogendra Ram @ Yogendra Prasad S/O Late Bishun Ram R/O Village-Dharampur, P.S-Sheikhpura, District-Sheikhpura.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Lal Mani Sharma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 23.06.2022 but nobody appeared on behalf of the respondent no.2.

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 31.08.2021 passed by learned 1st Additional



Sessions Judge, Sheikhpura in connection with SC/ST P.S. Case No. 05/2020, registered under Sections 147, 149, 341, 323, 447, 504 and 506 of the Indian Penal Code and Section 3 (1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellants. There is admitted land dispute between the parties from is clear from the F.I.R. itself. It is fairly submitted by learned counsel for the appellants that there is allegation against the appellants to abuse the informant by taking his caste name but the allegation is against all the accused persons not against anyone. Earlier in the case it is mentioned that the occurrence took place in front of the house not in public place but later on in the FIR it is reported that all the occurrence took place in the public place. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.



Considering the arguments of the parties and perusal of the records it is admitted fact that the appellants have abused the informant by taking his caste name which is clear from the FIR itself, I am not inclined to enlarge the appellants on bail in connection with SC/ST P.S. Case No. 05/2020. Accordingly, their prayer for anticipatory bail is hereby rejected.

However, if appellants surrender before the learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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