

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3257 of 2023**

Arising Out of PS. Case No.-34 Year-2020 Thana- GADHPURA District- Begusarai

- 
1. ARVIND SINGH SON OF LATE RAMOTAR SINGH VILL MOTAR PS  
GADHPURA DIST BEGUSARAI
  2. BIPESH SINGH @ BIPESH KUMAR SON OF ARVIND SINGH VILL  
MOTAR PS GADHPURA DIST BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RAJDEO PASWAN SON OF LATE NANNU PASWAN RESIDENT OF  
VILLAGE- SUSTA, PS- GAYGHAT, DIST- MUZAFFARPUR,  
PRESENTLY POSTED AS SUB INSPECTOR OF POLICE GADHPURA  
PS, DIST- BEGUSARAI

... .. Respondent/s

---

**Appearance :**

For the Appellant/s : Mr. Shubhesh Pandey, Adv.  
For the Respondent/s : Mrs. Usha Kumari I, Spl.P.P.

---

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      18-10-2023                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

2. The present FIR has been lodged by a police official,  
therefore, the informant is represented by the learned Spl.PP for  
the State.

3. This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act (hereinafter in short referred to as the 'SC/ST  
Act') against the refusal of prayer of anticipatory bail vide order  
dated 01.07.2023 passed by learned Court of Special Judge



(SC/ST Act), Begusarai in connection with Gadhura P.S. Case No.34 of 2020, registered under Sections 353 and other allied Sections of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation upon the appellants is that they along with other co-accused persons assaulted the police officials and also damaged their vehicle. It is also alleged that the appellants and other co-accused persons abused the police officials and misbehaved with them and also all the accused persons raised slogans in violation of the lockdown.

5. 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 ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific allegation of abusing the informant by taking caste name, therefore no offence under the SC/ST Act is made out against the appellants. 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, considering that there is no specific overt act against the appellants, let 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 Court of Special Judge (SC/ST Act), Begusarai in connection with Gadhpura P.S. Case No.34 of 2020, 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)**

pallavi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

