

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3323 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- SANDESH District- Bhojpur

-
-
1. VIJAY PASWAN @ BIJAY PASWAN S/o Shri Baban Ram Resident of Village-Kori, P.S.-Sandesh, District-Bhojpur
 2. AJAY PASWAN S/o Shri Baban Ram Resident of Village-Kori, P.S.-Sandesh, District-Bhojpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ram Ishwar Paswan S/O Bhawnath Paswan Resident Of Village-Kori, P.S.-Sandesh, District-Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravindra Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 13-12-2023 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 11.10.2023 but nobody appeared on behalf of the respondent no.2.

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 25.02.2023 passed by learned A.D.J.-I-cum-



Special Judge (SC & ST Act) Bhojpur at Ara in connection with Sandesh P.S. Case No. 212 of 2022, registered under Sections 147, 148, 149, 341, 323, 427 and 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. No case is made out against the appellants because they also belong to the same caste. There is no specific overt act against any of these appellants. There is general and omnibus allegations levelled against the appellants. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. 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.

6. In the facts and circumstances of the case and the fact that the appellants belong to the same caste, 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 bonds of Rs.



25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge (SC & ST Act) Bhojpur at Ara in connection with Sandesh P.S. Case No. 212 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

ajay/-

U		T	
---	--	---	--

