

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4350 of 2021

Arising Out of PS. Case No.-98 Year-2021 Thana- FATUA District- Patna

SANOJ KUMAR Son of Tilchand Singh Resident of Village - Dumri, P.S.-
Fatuha, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prabhat Kumar Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 21.06.2023, he informed the informant to appear in the present appeal through her counsel, but nobody appears on his 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 31.08.2021 passed by learned Additional District Judge III cum Special Judge (SC/ST Act), Patna in connection with Fatuha P.S. Case No. 98 of 2021 registered under Sections 341, 323, 325, 379, 504, 506, 34 of the Indian



Penal Code and Section 3(i), (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that, on 01.02.2021 at about 07:00 P.M., when informant was going to his house, all the FIR named accused including this appellant surrounded the informant and took Rs. 500/- from his pocket. On protest, co-accused Anuj Yadav abused him and instigated other accused to assault him, on which co-accused Manoj and petitioner Sanoj caught the informant and thereafter, co-accused Anuj Yadav assaulted the informant by butt of pistol.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is specific allegation against co-accused Anuj Yadav to abuse the informant by taking his caste name. Hence, no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for



bail.

7. In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge III cum Special Judge (SC/ST Act), Patna in connection with Fatuha P.S. Case No. 98 of 2021 , 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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