

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3286 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- SC/ST District- Aurangabad

=====

VICKEY KUMAR SON OF VINOD SINGH R/o village- Janpur, P.S.-
Barun, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. BHARAT KUMAR RAM SON OF LAKSHMAN RAM Resident of
village-Janpur,Police Station-Barun,District-Aurangabad

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr.Ravindra Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP. Mr. Ashok Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 21-06-2023 Heard the parties.

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 23.08.2022 passed by learned 1st Additional District & Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with SC/ST P.S. Case No. 6 of 2022 registered under Sections 341, 323, 504, 307, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, after some altercation, appellant along with



other accused persons abused and assaulted the informant by means of *Khanti* and iron rod, as a result of which he sustained injuries.

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. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is case and counter case between the parties. There is no eye witness in the present case. There is no specific allegation of slating the informant by taking his caste name against the appellant. 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.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstances of the case, as there is no specific overt act against the appellant, 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 1st Addl. District & Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Aurangabad SC/ST P.S. Case No. 6 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

divyanshi/-

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

