

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3325 of 2022

Arising Out of PS. Case No.-183 Year-2020 Thana- AKBARPUR District- Nawada

-
-
1. GUDDU KUMAR Son of Satyadeo Pd. Yadav Resident of Village - Fatehpur, P.S.- Akabarpur, District - Nawada
 2. Dharmendra Kumar Son of Banwari Yadav Resident of Village - Fatehpur, P.S.- Akabarpur, District - Nawada
 3. Raushan Kumar Son of Naresh Yadav Resident of Village - Fatehpur, P.S.- Akabarpur, District - Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Son of Jai Ram Resident of Village - Fatehpur, P.S.- Akbarpur, District - Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Bhushan, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

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 Spl.PP for the State submits that in compliance of order dated 17.12.2022, he informed the informant to appear before this Court through his counsel, but nobody appears on his behalf.

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



28.04.2022 passed by learned Exclusive Special Judge SC/ST Act POA Act, Nawada in connection with Akbarpur P.S. Case No. 183 of 2020 registered under Sections 341, 323, 308, 504, 506, 34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellants along with other accused persons assaulted the informant and his cousin with deadly weapons brutally.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Both the parties are co-villagers. 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 case and counter case between the parties. On perusal of the injury report of the informant, it appears that the injuries sustained by the informant are simple in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3



of memo of appeal.

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

In the facts and circumstances of the case, as there is no specific overt act against the appellants, 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 Exclusive Special Judge, SC/ST POA Act, Nawada in connection with Akbarpur P.S. Case No. 183 of 2020, 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	
---	--	---	--

