

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4582 of 2021

Arising Out of PS. Case No.-37 Year-2018 Thana- SC/ST District- Araria

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1. RAMU SAH Son of Shri Ram Chandra Sah Resident of Village- Mirzapur Kothi, P.S.- Simraha, Forbesganj, District- Araria.
 2. Ravindra Sah Son of Shri Ram Chandra Sah Resident of Village- Mirzapur Kothi, P.S.- Simraha Forbesganj, District- Araria.
 3. Udyanand @ Udyanand Sah Son of Late Rameshwar Sah Resident of Village- Mirzapur Kothi, P.S.- Simraha Forbesganj, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ranveer Kumar Ram Son of Doman Ram Resident of Village- Mirzapur Kothi, P.S.- Simraha (Forbesganj), District- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 30.09.2021, passed by learned 1st Additional Sessions-cum-Special Judge, Araria in connection with Araria (SC/ST) P.S. Case No.37 of 2018, registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of



the SC/ST Act.

The prosecution case, in brief, is that on 14.05.2018 at about 11.30 A.M., all the accused persons named in the FIR assaulted and abused the informant by naming his caste. The informant further alleged that when he was going to his house with his friend on his motorcycle, the accused persons discontinued him after keeping a bench on the road and appellant no.1 snatched the key of motorcycle and put off both of them upon the motorcycle and appellant no.2 started assaulting with fight and fists. Thereafter all the accused persons took them to their Darwaza and again abused the informant by naming his caste and snatched Rs.50,000/- and silver chain.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is general and omnibus allegation against the appellants. The occurrence took place on 14.05.2018 and the FIR was lodged on 23.05.2018 after delay of ten days without giving any explanation which creates a serious doubt on the veracity of the prosecution case.

Learned Special P.P. for the State as well as learned



counsel for the informant opposed the prayer for anticipatory bail of the appellants and submitted that there is specific allegation against the appellants that they abused the informant by naming his caste.

Taking into consideration the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released 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 Special Judge, Araria-cum-1st Additional Sessions Judge, Araria in connection with Araria (SC/ST) P.S. Case No.37 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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