

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3802 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- VIDYAPATINAGAR District- Samastipur

1. Ravi Ranjan Kumar @ Murari Kunwar Son Of Vishwanath Kunwar Village- Badhauna Ps- Vidyapati Nagar Dist- Samastipur
2. Sanjeev Kumar @ Beni Kunwar @ Bainsi Kunwar Son Of Vishwanath Kunwar Village- Badhauna Ps- Vidyapati Nagar Dist- Samastipur
3. Awadhesh Kumar Kunwar @ Awadhesh Kunwar Son Of Harish Kunwar Village- Badhauna Ps- Vidyapati Nagar Dist- Samastipur
4. Bhushan Thakur Son Of Rajnish Thakur Village- Badhauna Ps- Vidyapati Nagar Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Das son of Goverdhan Das Village- Badhauna Ps- Vidyapati Nagar Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Lovekush Kumar
For the State	:	Mr. Binay Krishna
For the Respondent No. 2:	:	Mr. Deepak Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

2. 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 21.07.2023 passed by learned Additional District and Sessions Judge I-cum-Special Judge SC/ST (POA)



Act, Samastipur, in connection with Vidyapati Nagar P.S. Case No. 75 of 2023 registered under Sections 323, 341, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellants along with other accused persons are said to have assaulted and abused the informant by taking his caste name.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellants. He submits that, as per the F.I.R., it is clear that the police have reached on the place of occurrence on the same day, but the F.I.R. was lodged after two days and there is no any reasonable explanation regarding the delay, which creates serious doubt on the prosecution case. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed the payer for anticipatory bail.



6. Considering the facts and circumstances of the case, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge I-cum-Special Judge SC/ST (POA) Act, Samastipur, in connection with Vidyapati Nagar P.S. Case No. 75 of 2023, 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)

anand/-

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