

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4590 of 2021

Arising Out of PS. Case No.-203 Year-2020 Thana- BAJPATTI District- Sitamarhi

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1. MD. FARHAN Son of Abdul Hakim @ Md. Mokim Resident of Village-Himayupur, P.S.- Bajpatti, District- Sitamarhi.
 2. Md. Rehan @ Bijli Son of Abdul Hakim @ Md. Mokim Resident of Village-Himayupur, P.S.- Bajpatti, District- Sitamarhi.
 3. Md. Samir @ Nure Son of Md. Islam @ Amamul Resident of Village-Himayupur, P.S.- Bajpatti, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram sevak Paswan Son of Late Mahendra Paswan Resident of Humayupur,P.S-Bajpatti,District-Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Virendra Kumar, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove
the defects within four weeks.

Notice has validly been served upon the respondent no.2 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 01.09.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with Bajpatti P.S. Case No. 203 of 2020 registered under Sections 341, 323, 324, 337, 307, 504, 506/34 of the Indian Penal Code and Section 3(I)(r)(s)/(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, after some altercation, appellants along with other accused persons, abused and assaulted the prosecution party.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The injuries sustained by the victims are simple in nature. There is no allegation of slating the prosecution side in the specific name of their caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Similarly situated co-accused have been granted anticipatory bail by the co-ordinate bench of the Court vide order dated 29.06.2021 in Cr. App (SJ).No. 730 of



2021. 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 the similarly situated co-accused have been granted anticipatory bail, 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with Bajpatti P.S. Case No. 203 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)

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