

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4693 of 2021**

Arising Out of PS. Case No.-264 Year-2021 Thana- FORBESGANJ District- Araria

1. SONU SHARMA S/O SADANAND SHARMA R/o village- Shaifganj, Ward No. 5, P.S.- Forbesganj, District- Araria
2. Sadanand Sharma S/o Late Sukdeo Sharma R/o village- Shaifganj, Ward No. 5, P.S.- Forbesganj, District- Araria
3. Gauri Devi W/o Sadanand Sharma R/o village- Shaifganj, Ward No. 5, P.S.- Forbesganj, District- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Abhijit Kumar Raman S/o Dayanand Ram R/o village- Shaifganj, Ward No. 5, Parwaha, P.S.- Forbesganj, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Naushad Uzzoha Mr. Nafisuzzoha
For the Respondent/s	:	Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 11-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Despite valid service of notice, nobody appears on behalf
of the respondent no.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
08.10.2021, passed by learned 1st Additional Sessions cum
Special Judge, Araria in connection with Forbesganj P.S. Case



No.264 of 2021, registered under Sections 341, 323, 324, 379/34 of the Indian Penal Code and Section 3(i)(s)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they assaulted and abused the informant. It is also alleged that the accused persons snatched Rs.5000/- from the informant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus 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. Appellant no.1 has no criminal antecedent and appellant nos.2 and 3 have one 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, 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 the learned 1st Additional Sessions cum Special Judge, Araria in connection with Forbesganj P.S. Case No.264 of 2021, 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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