

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3481 of 2022**

Arising Out of PS. Case No.-206 Year-2020 Thana- AWTARNAGAR District- Saran

PINTU KUMAR @ PINTU SINGH @ PINTU KUMAR SINGH S/o Santosh
Singh R/V- Ramgarha, P.S.- Avatar nagar, Distt- Saran at Chhapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar S/o Awdesb Manjhi R/V- Rangarha, P.S.- Avtar Nagar, Distt- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Giridhar Gopal Tiwary
For the Respondent/s	:	Mr.Binay Krishna Mr.Dhananjay Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 29-04-2023 Heard learned counsel appearing on behalf of the
appellant, State and informant.

This is an appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter referred to as the 'SC/ST Act') against the order dated 02.09.2022 passed by learned Additional Sessions Judge 3rd, Saran in connection with Awatar Nagar P.S. Case No. 206 of 2020, registered under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 120(B), 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act, whereby the prayer for anticipatory bail of appellant has been rejected.



As per F.I.R., on 22.08.2022 at 8 AM, the informant went to the house of co-accused Santosh Singh (ward member), where his parents and other co-villagers were already present and thereafter, it is alleged that Ward member Santosh Singh abused the informant and others with caste name. It is further alleged that this appellant alongwith other F.I.R. named co-accused, armed with deadly weapons, surrounded them and stated assaulting them. It is further alleged that accused persons took out eye of informant's mother Shanti Devi, due to which, she became unconscious and fell down.

It is submitted on behalf of appellant that there is general and omnibus allegation. No occurrence took place in the manner, as stated in the FIR. There is no specific allegation against this appellant of abuse by caste name and as such, no case under the SC/ST Act is made out against this appellant. The appeal filed by co-accused Bhupendra Singh and Ashwini Kumar for grant anticipatory bail has already been allowed by a coordinate Bench, vide order dated 31.08.2022 in Cr.Appeal (SJ) No. 3987/2021 (Annexure 6) as also appeal filed by Mamta Devi, Munmun @ Manish Kumar Singh and Raju Kumar, vide order dated 01.02.2023 in Cr.Appeal (SJ) No. 732/2022 has already been allowed. Appellant has got clean antecedent.



However, learned counsel for the informant vehemently opposes the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances as well as nature of allegation and clean antecedent of appellant, let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned learned Additional Sessions Judge 3rd, Saran in connection with Awatar Nagar P.S. Case No. 206 of 2020.

Accordingly, the impugned order dated 02.09.2022, so far as this appellant is concerned, is set aside and the criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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