

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4748 of 2021

Arising Out of PS. Case No.-125 Year-2017 Thana- AWTARNAGAR District- Saran

SANTOSH SINGH @ SANTOSH KUMAR SINGH Son of Suresh Kumar Singh Ex- Headmaster, Middle School, Panch Patiya, Resident of Village- Gopalpur (Bara Gopla), P.S.- Awtar Nagar, District- Saran at Chapra (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Kumar Ram Son of Late Sheo Lal Ram Resident of Village- Mahmarmadpur, P.S.- Garkha, District- Saran at Chapra (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

Despite valid service of notice, nobody appears on behalf of the respondent no.2.

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

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 02.02.2021 passed by learned 1st Additional Sessions Judge – cum- Special Judge SC/ST (POA) Act, Saran at Chapra in



connection with Awatar Nagar P.S. Case No.125 of 2017, registered under Sections 341, 323, 504 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he abused the informant by taking his caste name and on protest, the appellant threw jug upon the informant due to which he sustained injury on his face.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. There is no specific allegation against the appellant to abuse the informant by taking caste name. He further submits that there is a compromise between the parties, which is also apparent from annexure-3 of the memo of appeal. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above



named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge – cum- Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Awatar Nagar P.S. Case No.125 of 2017, 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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