

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3628 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- BHADAUR District- Patna

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1. Arvind Ram @ Arvind Kumar Son Of Late Kapil Dev Ram Resident Of Village - Bhadaur, P.S.- Bhadaur, District - Patna
 2. Devendra Ram @ Pappu @ Devendra Prasad Son Of Vishwanath Ram Resident Of Village - Bhadaur, P.S.- Bhadaur, District - Patna
 3. Pavind Ram @ Pabindra Ram @ Pavindra Kumar Son Of Jogendra Ram Resident Of Village - Bhadaur, P.S.- Bhadaur, District - Patna
 4. Praduman Ram @ Pradum Kumar Son Of Arvind Kumar @ Arvind Ram Resident Of Village - Bhadaur, P.S.- Bhadaur, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajit Ranjan Son of Late Brahamdeo Ram Resident of village - Bhadaur, P.S.- Bhadaur, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Manglam, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-02-2023 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

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 05.09.2022 passed by learned Exclusive Special Judge SC/ST Act, Patna, in connection with Bhadaur P.S. Case No. 70 of 2022 registered under Sections 147, 149,



323 and 341 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they have assaulted the informant and his nephews with *lathi*, *danda* and rod.

Learned counsel for the appellants submits that they have falsely been implicated in this case. There is no allegation of slating the informant in the specific name of his caste. He submits that there is general and omnibus allegations against these appellants. He further submits that there is no specific allegation, against these appellants, of assaulting informant. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

In the facts and circumstances of the case, let the above named appellants, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Act, Patna, in connection with Bhadaur P.S. Case No. 70 of 2022, 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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