

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4845 of 2021

Arising Out of PS. Case No.-198 Year-2021 Thana- TARAIIYA District- Saran

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1. PRADEEP SINGH @ PRADEEP KUMAR SINGH @ PRADEEP KUMAR
Son of Manoj Singh Resident of Village and P.O. - Parauna, P.S. - Taraiya,
District - Saran at Chapra.
 2. Prakash Kumar Singh @ Kitu Kumar Singh @ Kitu Kumar Son of Munna
Singh Resident of Village and P.O. - Parauna, P.S. - Taraiya, District - Saran
at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Harendra Ram Shankar Ram resident of village- Parauna, P.S.- Taraiya,
District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jeetendra Narayan, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP. Mr. Nalin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 28-06-2023 Heard the parties.

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 27.10.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Taraiya P.S. Case No. 198 of 2021 registered under Sections 341, 323, 324, 379, 504, 506 read with Section 34 of the Indian



Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, after some altercation, appellants along with other accused persons assaulted the informant's son and when the informant tried to save him, they started abusing him. They also assaulted him and his family members by means of dab.

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 ulterior motive . 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. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstances of the case, as there is no specific allegation of abusing by taking caste name, 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 Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Taraiya P.S. Case No. 198 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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