

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3821 of 2022

Arising Out of PS. Case No.-154 Year-2022 Thana- JALALPUR District- Saran

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1. Shivam Trivedi S/O Piyushdutt Trivedi R/O Village And Police Station- Jalalpur, Distt- Saran (Chapra).
 2. Satyam Trivedi S/O Piyushdutt Trivedi R/O Village And Police Station- Jalalpur, Distt- Saran (Chapra).

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Ram S/o Gangadhar Ram R/o village- Sawari Kashi Tiwari ke Tola, P.S.- Jalalpur, Distt- Saran(Chapra).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2023 Heard learned counsel for the appellants, learned counsel for respondent no. 2 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 21.09.2022 passed by learned Additional Sessions Judge-3rd, Saran at Chapra, in connection with Jalalpur P.S. Case No. 154 of 2022 registered under Sections 341, 323, 324, 353, 354, 504 and 506 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 that when the informant was returning from his duty, on the way, the appellants and other co-accused assaulted him with lathi on head, causing injury.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. He submits that there is general and omnibus allegation against these appellants. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellants have got no criminal antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State as well as learned counsel for respondent no. 2 oppose payer for bail and submits that the appellants abused the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and the fact that there is no injury as per case diary, the injury has not supported the prosecution case, 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 learned Additional Sessions Judge-3rd, Saran at Chapra, in connection with Jalalpur P.S. Case No. 154 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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