

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4221 of 2023**

Arising Out of PS. Case No.-12 Year-2023 Thana- SC/ST District- Aurangabad

1. Niraj Sharma Son Of Late Jagdev Sharma Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad
2. Karan Sharma Son Of Ram Sawarup Sharma Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad
3. Sintu Sharma Son Of Saryu Sharma Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad
4. Vinay Sharma @ Vijay Sharma Son Of Ram Pravesh Sharma Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad
5. Satyendra Sharma Son Of Munga Sharma Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad
6. Arjun Sharma Son Of Munga Sharma Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad
7. Dharmendra Sharma Son Of Abisakh Sharma Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad
8. Ajay Sharma Son Of Late Ramanandan Sharma Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad
9. Manju Devi Wife Of Niraj Sharma Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad
10. Kiran Devi Wife Of Vinay Sharma @ Vijay Sharma Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Rubi Kumari Wife Of Pramod Kumar Paswan Resident Of Village - Garanda, P.S. - Madanpur, District - Aurangabad

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Rupa Kumari  
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      01-11-2023      Heard learned counsel for the appellants, respondent no.

2 and learned Special Public Prosecutor for the State.

2. This is an appeal under section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 19.08.2023, passed by learned 1<sup>st</sup> Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Aurangabad in connection with SC/ST P.S. Case No. 12 of 2023, registered under Sections 147, 341, 323, 325, 354(B), 379, 504, 506, 427 of the IPC and Sections 3(i) (r) (s)/ 3 (2) (va) of SC/ST Act.

3. Appellants are said to have abused the informant by taking caste name and also assaulted her.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land/road dispute. He submits that the appellant no. 6 has filed a petition before the District Magistrate, Aurangabad against the husband of the informant for encroachment of road going towards temple. He submits that the appellant no. 4 has also filed a case bearing Town P.S. Case No. 470 of 2023 against the husband of the present informant and in this case it is alleged that the husband of the informant along with other co-accused assaulted him due to which he was admitted in hospital. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

5. However, learned Special PP for the State and



learned counsel for the respondent no. 2 opposing the prayer for bail submit that there is specific allegation against the appellants to abuse the informant by taking caste name.

6. Considering the facts and circumstances of the 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 the learned Special Judge, SC/ST cum 1<sup>st</sup> Additional District and Sessions Judge, Aurangabad in connection with SC/ST P.S. Case No. 12 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and the appeal is allowed.

**(Anjani Kumar Sharan, J)**

devendra/-

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