

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3913 of 2022

Arising Out of PS. Case No.-479 Year-2022 Thana- GARKHA District- Saran

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1. MANOJ KUMAR SHARMA Son of Late Nandlal Sharma R/V- Kewani, P.S- Garkha, Dist- Saran
 2. Vishant Kumar Sharma @ Raushan Son of Manoj Kumar Sharma R/V- Kewani, P.S- Garkha, Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sawamber Ram Son of Late Kapurchand Ram R/V- Kewani, P.S- Garkha, Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-02-2023 Heard learned counsel for the appellant 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 24.09.2022 passed by learned 3rd Additional Sessions Judge, Saran at Chapra in connection with Garkha P.S. Case No.479 of 2022, registered under Sections 341, 323, 504, 379, 307, 34 of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The allegation against the appellants is that they alongwith other co-accused persons indiscriminately assaulted the informant's side by means of several weapons due to which they sustained injuries.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case. He further submits that there is previous enmity There is no specific overt act against the appellants. There is no specific allegation against the appellants to abuse the informant by taking his caste name. Appellants have four criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail. It is submitted by the learned counsel for the respondent no.2 that there is specific allegation against the appellant no.1 to assault one Sikandar Ram due to which he sustained grievous injuries, this fact is also clear from the injury report enclosed in the case diary.

Having regards to the facts and circumstances of the case, as there is specific allegation against the appellant to no.1, I am



not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, as there is no specific overt act against the appellant no.2, let the above named appellant no.2, 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 3rd Additional Sessions Judge, Saran at Chapra in connection with Garkha P.S. Case No.479 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 partly allowed.

(Anjani Kumar Sharan, J)

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