

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3896 of 2022**

Arising Out of PS. Case No.-414 Year-2022 Thana- SONEPUR District- Saran

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1. UPENDRA RAI @ FEDA RAI SON OF RADHE RAI R/O VILL.- GAN-
GAJAL TOLA, P.S.- SONPUR IN THE DISTRICT OF SARAN
 2. MUKESH RAI @ MUKESH KR. RAI SON OF SATRUGHAN RAI R/O
VILL.- GANGAJAL TOLA, P.S.- SONPUR IN THE DISTRICT OF
SARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. SANJEET PASWAN SON OF NIRANJAN PASWAN R/O VILL.- GAN-
GAJAL TOLA, P.S.- SONPUR IN THE DISTRICT OF SARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Braj Nandan Kumar Tiwary
For the Respondent/s : Mr.Binay Krishna

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

3 18-01-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned Spl PP for the State informs this Court that he had already informed the respondent no.2 about this case but nobody appears on his behalf.

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 19.10.2022 passed by learned A.D.J 3rd Saran at Chapra in connection with Sonpur P.S. Case No.414 of 2022, registered under



Sections 343, 323, 324, 504, 506/34 of the Indian Penal Code and Section 3(1) (r) (s), 3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they along-with other co-accused persons abused the informant and also assaulted him by means of various weapons due to which he sustained injuries.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house and not in public view, hence no offence under SC/ST Act is made out against the appellants. He submits that earlier the appellants have filed a case against the informant, thereafter the informant has filed the present case against the appellants. He further submits that no injury is available on record in the present case. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In 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 A.D.J 3rd Saran at Chapra in connection with Sonpur P.S. Case No.414 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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