

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3893 of 2022

Arising Out of PS. Case No.-224 Year-2022 Thana- JAMHOR District- Aurangabad

1. SIKESH KUMAR RAI S/O LATE JANG BAHADUR RAI Resident of village- Tamoli, P.S.- Jamore, District- Aurangabad.
2. SHLOK RAI @ SHLOK KUMAR RAI S/O JANARDHAN RAI Resident of village- Tamoli, P.S.- Jamore, District- Aurangabad.
3. MUNIB RAI S/O LATE JUNG BAHADUR RAI Resident of village- Tamoli, P.S.- Jamore, District- Aurangabad.
4. RITIK KUMAR S/O MANTU RAI Resident of village- Tamoli, P.S.- Jamore, District- Aurangabad.
5. SHANI KUMAR @ SONU KUMAR RAI S/O MANTU RAI Resident of village- Tamoli, P.S.- Jamore, District- Aurangabad.
6. RAVI KUMAR S/O MUNIB RAI Resident of village- Tamoli, P.S.- Jamore, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. HARIDAWAR PRASAD S/O LATE LAKSHMAN RAM Resident of village- Tamoli, P.S. and P.O.- Pauthu, P.S.- Jamore, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bindeshwar Prasad Singh
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Kamendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 18-01-2023 Heard learned counsel for the appellants, learned counsel for the 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



14.10.2022 passed by learned 1st Addl. District & Sessions Judge cum Special Judge (SC/ST) Aurangabad in connection with Jamhore P.S. Case No.224 of 2022, registered under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they alongwith all accused persons assaulted the informant and also abused him by taking his caste name.

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. He submits that both parties are co-villagers and due to previous dispute this case has been lodged. He further submits that there is no specific allegation against the appellant no.1, 2 and 3 to abuse the informant, which is clear from the perusal of the FIR. The specific allegation is against the appellant nos. 4, 5 and 6 to abuse the informant by taking caste name. 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 respondent no.2 opposed the prayer for bail.



Having regard to the facts and circumstances of the case, as there is specific allegation against the appellant nos.4, 5 and 6 to abuse the informant by taking caste name, I am not inclined to enlarge them on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

However, there is no specific overt act against the appellant nos.1, 2 and 3, 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 1st Addl. District & Sessions Judge cum Special Judge (SC/ST) Aurangabad in connection with Jamhore P.S. Case No.224 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this appeal is partly allowed.

(Anjani Kumar Sharan, J)

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