

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3895 of 2022

Arising Out of PS. Case No.-440 Year-2022 Thana- GARKHA District- Saran

-
1. AKHILESH RAI @ AKHILESH S/O TRIBHUWAN RAY Resident of vil-
lage- Sargatti, P.S.- Garkha, District- Saran (Chapra).
 2. AWADHESH RAI @ AWADHESH KUMAR S/O TRIBHUWAN RAY Res-
ident of village- Sargatti, P.S.- Garkha, District- Saran (Chapra).
 3. SAGAR RAI @ SAGAR S/O TRIBHUWAN RAY Resident of village- Sar-
gatti, P.S.- Garkha, District- Saran (Chapra).

... .. Appellant/s

Versus

1. The State of Bihar
2. NITESH KUMAR S/O YOGENDRA MANJHI Resident of Village- Bagahi,
P.S.- Garkha, District- Saran (Chapra).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

Learned Spl P.P for the State informs this Court that he
has already informed the respondent no.2 about this case but no-
body appears on behalf of the respondent no.2.

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 Additional Sessions Judge-3rd,



Saran at Chapra in connection with Garkha P.S. Case No.440 of 2022, registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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. The allegation of assaulting the informant 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 of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is inordinate delay of four days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. He further submits that injuries sustained by the respondent no.2 and Guddu Rai are simple in nature. Appellant nos.2 and 3 have no criminal antecedent whereas appellant no.1



has one criminal antecedent, as also 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, 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 Additional Sessions Judge-3rd, Saran at Chapra in connection with Garkha P.S. Case No.440 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)

shikha/-

U		T	
---	--	---	--

