

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3894 of 2022

Arising Out of PS. Case No.-229 Year-2022 Thana- BAHERA District- Darbhanga

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1. SUMANJEE THAKUR S/O RADHE SHYAM THAKUR Resident of Village- Habhibhour, P.S.- Bahera, District- Darbhanga.
 2. RADHE SHYAM THAKUR S/O UDAY CHANDRA THAKUR Resident of Village- Habhibhour, P.S.- Bahera, District- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. LAL BABU PASWAN S/O LATE SOHAN PASWAN Resident of Village- Havibhauar, P.S.- Bahera, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

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 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 31.08.2022 passed by learned 3rd Additional Sessions Judge cum Exclusive SC/ST (POA) Act, Darbhanga in connection with



Bahera P.S. Case No.229 of 2022, registered under Sections 341, 323, 307 of the Indian Penal Code and Section 3(i) (r) 3 (i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they alongwith other co-accused persons abused the informant by taking caste name and also 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 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. There is no specific overt act against the appellants. The specific allegation is against the co-accused namely, Laltun Kamat to assault the brother of the informant due to which he sustained grievous injury. The 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 and submits that the appellants are also involved in the present case.

In the facts and circumstances of the case, as the injury



report has not supported the prosecution 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 3rd Additional Sessions Judge cum Exclusive SC/ST (POA) Act, Darbhanga in connection with Bahera P.S. Case No.229 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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