

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3967 of 2022

Arising Out of PS. Case No.-489 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, District- Saran
 2. VISHANT KUMAR SHARMA @ RAUSHAN Son of Manoj Kumar Sharma R/v- Kewani, P.S.- Garkha, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. SAWAMBER RAM Son of Late Kapurchand Ram R/v- Kewani, P.S.- Garkha, District- 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

- 3 15-02-2023 It appears that order dated 18.01.2023 has been typed as order no.3 in place of order no.2. Hence, order dated 18.01.2023 be read as order no.2 in place of order no.3.

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 04.11.2022 passed by learned 3rd Additional Sessions Judge, Saran at Chapra in connection with Garkha P.S. Case No.489 of 2022, registered under Sections 341, 323, 504/324/506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the FIR, the appellant no.1 asked the informant to compromise Garkha P.S. Case No.79 of 2022 and abused him by taking his caste name. The appellants and other co-accused persons assaulted the informant by means of several weapons. Appellant no.2 inflicted a knife on the head of the informant causing bleeding injury.

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. There is no specific allegation against the appellants to abuse the informant by taking caste name. He further submits that from the perusal of the injury report it is clear that the injuries are simple in nature. Appellants have four 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.

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 3rd Additional Sessions Judge, Saran at Chapra in connection with Garkha P.S. Case No.489 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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