

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4171 of 2022

Arising Out of PS. Case No.-248 Year-2022 Thana- BARHARIA District- Siwan

1. PINTU SINGH Son of Ramnaresh Singh R/V- Sunderpur, P.S- Barharia, Dist- Siwan
2. Mantu Mahto @ Hansji Kumar Son of Dashrath Mahto R/V- Sunderpur, P.S- Barharia, Dist- Siwan
3. Ravindra Singh @ Ravindar Kumar Son of Shambhu Singh R/V- Sunderpur, P.S- Barharia, Dist- Siwan
4. Ram Naresh Singh Son of Late Talakdeo Singh R/V- Sunderpur, P.S- Barharia, Dist- Siwan
5. Sonu Mahto @ Sonu Kumar Son of Dashrath Mahto R/V- Sunderpur, P.S- Barharia, Dist- Siwan
6. Mithun Singh @ Mithun Kumar Son of Shambhu Singh R/V- Sunderpur, P.S- Barharia, Dist- Siwan
7. Rohit Singh @ Rohit Kumar Son of Ashok Singh R/V- Sunderpur, P.S- Barharia, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Ram Son of Late Nagina Ram R/V- Sunderpur, Post Office- Sundari, P.S- Barharia, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghav Prasad, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl.PP for the State submits that, in compliance
of order dated 19.04.2023, he informed the informant to appear
before this Court, 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 21.09.2022 passed by learned Additional Sessions Judge-I-cum-Special Judge, Siwan in connection with Barharia P.S. Case No. 248 of 2022 registered under Sections 147, 447, 341, 323, 307, 504, 506 of the Indian Penal Code and Section 3(v) (r)/ 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, on 03.06.2022 at about 11.00 A.M., the appellants along with other accused persons, assaulted the wife of the informant. They also abused her by taking her caste name.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific weapon or injury has been attributed against the appellants. There is no specific allegation of slating the informant and his wife in the specific name of their caste. Hence, no offence under Section SC/ST Act is made out against



the appellants. 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, as there is no specific overt act against the appellants, 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-I-cum-Special Judge, Siwan in connection with Barharia P.S. Case No. 248 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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