

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4160 of 2022**

Arising Out of PS. Case No.-174 Year-2022 Thana- HASPURA District- Aurangabad

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UMESH KUMAR S/o Jagdish Singh R/v- Somar Bigha, P.S.- Haspura,
District- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNIL KUMAR S/o Mangal Chaudhary R/v- Halimchak, P.S.- Haspura,
District- Aurangabad (Bihar)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Lal Bahadur Singh
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2023 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State assisted by learned

counsel for the informant.

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 Additional

District and Sessions Judge-cum-Special Judge (SC/ST),

Aurangabad in connection with Haspura P.S. Case No.

174/2022, registered under Sections 341, 323, 324, 379, 504,

506 and 34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)



(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. There is general and omnibus allegation against the appellant and in the present occurrence nobody is injured. 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 appellant. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the informant opposed the prayer for bail and submits that the appellant is also involved in the present case.

In the facts and circumstances of the case and the fact that there is no specific overt act against the appellant, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Haspura P.S. Case No.



174/2022, 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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