

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4199 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- RISIYAP District- Aurangabad

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1. SUSHIL KUMAR SINGH @ SUSHIL SINGH Son of Lalendra Singh R/o vill.- Matihani, P.S.- Risiup, District - Aurangabad
 2. Sanket Singh @ Siwam Kumar Singh Son of Lalendra Singh R/o vill.- Matihani, P.S.- Risiup, District - Aurangabad
 3. Sashi Shekhar Singh Son of Pramod Singh R/o vill.- Matihani, P.S.- Risiup, District - Aurangabad
 4. Sujeet Singh @ Sujeet Kumar Singh Son of Upendra Singh @ Upendra Kumar Singh R/o vill.- Matihani, P.S.- Risiup, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Malti Devi Wife of Birendra Paswan R/o village - Matihani, P.S.- Risiup, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-07-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 14.11.2022 in A.B.P. No. 1916 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Risiup P.S.



Case No. 38 of 2022 registered for the offences punishable under Sections 341, 323, 379, 504, 308, 354 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(Va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that when she demanded wages for work rendered in field of Umashankar and Murari, they refused to make payment and abused and assaulted her with *lathi* causing injury on waist and when her nephew came to save her, they assaulted him by an iron rod causing injury on his head and face, thereafter, her son and family members came to save them when the accused persons including the appellants came and abused by taking caste name and even assaulted.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that no specific allegation is alleged against the appellants when allegation of assault specifically alleged is against Umashankar and Murari. It is further submitted that even the F.I.R. does not even remotely disclose that the occurrence was witnessed by any witness, thus the



occurrence was not committed in public view.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 14.11.2022 in A.B.P. No. 1916 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Risiup P.S. Case No. 38 of 2022 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Risiup P.S. Case No. 38 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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