

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.578 of 2024**

Arising Out of PS. Case No.-175 Year-2023 Thana- DHANSOI District- Buxar

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1. Halendra Bhuiya @ Harendra Bhuiya S/O Lakshman Bhuiya R/O Village- Chapatahi, P.S- Dhansoi, Distt.- Buxar.
  2. Santosh Bhuiya S/O Late Sudama Bhuiya R/O Village- Chapatahi, P.S- Dhansoi, Distt.- Buxar.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Srikant Ram S/O Late Sahendra Ram R/O Village- Chapatahi, P.S- Dhansoi, Distt.- Buxar.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s     | : | Mr. Arun Kumar Gupta  |
| For the State           | : | Mr. Sadanand Paswan   |
| For the Respondent no.2 | : | Mr. Rang Nath Choubey |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

5      22-11-2024                      Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no.2.

2. 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 23.12.2023 passed by learned Additional Sessions Judge 1<sup>st</sup>-cum-Special Judge SC/ST (P.O.A.) Act, Buxar, in connection with Dhansoi P.S. Case No. 175 of 2023 registered under Sections 302, 504, 506/34 of the Indian Penal



Code, Section 27 of Arms Act and Section 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the allegation against the appellants is that they, in connivance with, other co-accused persons abused, humiliated and committed murder of the father of the informant.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellants. He submits that there is no specific allegation against the appellants. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed the prayer for anticipatory bail.

6. Considering 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 no. 1, 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 Additional Sessions Judge 1<sup>st</sup>-cum-Special Judge SC/ST (P.O.A.) Act, Buxar, in connection with Dhansoi P.S. Case No. 175 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Considering the facts and circumstances of case and the fact that there is specific allegation against appellant no. 2, I am not inclined to enlarge the appellant no. 2 on anticipatory bail. The prayer for anticipatory bail of the appellant no.2 is hereby rejected.

8. Accordingly, the impugned order is set aside and this appeal is partly allowed.

**(Anjani Kumar Sharan, J)**

anand/-

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