

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.690 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

1. Munar Nut @ Bhanta Nut S/O Govind Nut R/O Village- Kauriya Tola Raman Ray, Ps.- Bhagwanpur Hat, Dist.- Siwan.
2. Anup Nut @ Anup Kumar Nut S/O Munar Nut @ Bhanta Nut R/O Village- Kauriya Tola Raman Ray, Ps.- Bhagwanpur Hat, Dist.- Siwan.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Krishna Ram, A.S.I. Bhagwanpur Hat, Ps.- Bhagwanpur Hat, Dist.- Siwan. Bihar, Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Pandey
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2024 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 05.01.2024 passed by the learned Additional Sessions Judge- 1st-cum-Special Judge, Siwan in connection with Bhagwanpur Hat P. S. Case No.270 of 2023, instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 379, 337, 338, 307, 353, 427, 504 and 506 of the Indian Penal Code and Section 3(1)(r) (s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.



3. The learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been mechanically implicated in the instant case under the SC/ST (P.O.A.) Act, when the appellants themselves belong to the SC/ST Community. In support of his submission, the learned counsel for the appellants draws the attention of the Court to Para-9 of the appeal wherein it has been specifically pleaded that appellants belong to the Scheduled Caste.

4. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegations against the appellants are general and omnibus in nature. It is further submitted that the informant alleges that he along with the police force had gone to apprehend an accused namely, Nitesh Kumar, when the police force was intercepted/ surrounded by the accused persons, who created ruckus. It is further submitted that specific allegation of assault is against Ravi Kumar Mahto, Rahul Kumar and Brij Kishore Mahto.

5. Regard being had to the aforesaid submissions, the order dated 05.01.2024 is set-aside.

6. The appeal stands allowed.

7. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a



period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Bhagwanpur Hat P. S. Case No.270 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

