

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.888 of 2023

Arising Out of PS. Case No.-562 Year-2022 Thana- BARUN District- Aurangabad

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1. RAKESH KUMAR S/O BINOD SINGH @ SATYENDRA SINGH R/v-
Khaira, P.S.- Barun, District- Aurangabad (Bihar)
 2. ROHIT KUMAR s/o BINOD SINGH @ SATYENDRA SINGH R/v-
Khaira, P.S.- Barun, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BACCHU KUMAR S/O LATE RUPU RAM R/v- Karamdih, P.S.- Barun,
District- Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the State	:	Mrs. Usha Kumari-1, Special P.P.
For the respondent no.2	:	Mrs. Leelawati Kumari , Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned senior counsel for the appellants

and learned Special Public Prosecutor for the State assisted

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 07.01.2023 passed by learned 1st Additional

Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in

connection with Barun P.S. Case No.562 of 2022 registered



under Sections 341, 323, 379, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The appellants are said to have assaulted the informant and also abused him taking his caste name.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. 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 appellants. Appellants have no criminal antecedent.

5. Learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, 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 released 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Barun P.S. Case No.562 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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