

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.772 of 2023

Arising Out of PS. Case No.-656 Year-2022 Thana- WARISLIGANJ District- Nawada

1. Chhote Kumar @ Om Prakash Sharma, (Male), aged about 28 years, Son of Binod Kumar Sharma, Resident of Village - Kutari, P.S.- Warisaliganj, Dist.- Nawada.
2. Sri Ram Kumar, (Male), aged about 27 years, Son of Rajendra Singh, Resident of Village - Kutari, P.S.- Warisaliganj, Dist.- Nawada.

... .. Appellants

Versus

1. The State of Bihar.
2. Sharvan Das, Son of Bineshwar Ravidas, Resident of village - Tullapur, P.S.- Warisaliganj, Dist.- Nawada.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Amarnath Kumar, Advocate
For the Respondent No.2:	:	None
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 05-01-2024 Heard learned counsel for the appellants and learned Spl. P.P. for the State. However, learned counsel for the respondent no. 2 is not present after issuance of notice.

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 of the appellants vide order dated 20.12.2022, passed by the learned Special Judge, Exclusive Special Court, SC/ST (POA) Act, Nawada in A.B.P. No. 2847 of 2022 in connection with



Warisaliganj P.S. Case No. 656 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that the appellants alongwith two unknown persons are alleged to have come to the house of the informant, abused and assaulted him. It is further alleged that the accused persons also threatened the informant that they would assault him again if he refused to work.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. It is submitted that the appellants never abused and assaulted the informant by calling his caste name. It is submitted that as per the F.I.R., there is no castiest remark alleged against the appellants. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellants. The appellants have clean antecedent as stated in paragraph no. 3 of the memo of appeal.

5. Learned Spl. P.P. for the State has opposed the prayer for anticipatory bail of the appellants.



6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 20.12.2022, passed by learned Special Judge, Exclusive Special Court, SC/ST (POA) Act, Nawada in A.B.P. No. 2847 of 2022 in connection with Warisaliganj P.S. Case No. 656 of 2022, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Special Court, SC/ST (POA) Act, Nawada in connection with Warisaliganj P.S. Case No. 656 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further condition.

(Chandra Prakash Singh, J)

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