

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.839 of 2024

Arising Out of PS. Case No.-156 Year-2021 Thana- PURNEA SADAR District- Purnia

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1. Piyush Jaiswal Son of Dilip Jaiswal Resident of Village- Hansadah Gulabbagh Purnea, P.S.- Sadar, District- Purnea
 2. Sonu Jaiswal Son of Dilip Jaiswal Resident of Village- Hansadah Gulabbagh Purnea, Police Station- Sadar, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Subhash Chandra son of not given at present posted as Assistant Sub-Inspector of Police, Sadar Police Station Gulabbagh Naka Incharge, Dist.- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 27-09-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of order dated 23.08.2024, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant. As respondent no. 2 is a police personnel, he is represented by learned Spl.PP for the State.

3. 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 11.08.2023 passed by learned Special Judge, SC/ST Act, Purnea, in connection with Sadar P.S. Case No. 156



of 2021 registered under Sections 147, 148, 149, 341, 323, 332, 333, 353, 307, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

4. Allegedly, when the informant being A.S.I., tried to pacify a dispute between two parties while the accused persons were threatening to kill one Raj Kumar Agrawal and his family, accused disobeyed the informant and co-accused persons started abusing and assaulting the informant. The appellant is said to have assaulted with iron rod to a constable and abused the police party.

5. 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 appellant. He submits that the allegation against the appellant is to assault one constable by means of iron rod but the injury is simple in nature. Similarly situated co-accused has been granted anticipatory bail by this Court vide order 12.09.2022 Cr. Appeal (SJ) No. 2710 of 2023. Appellants have got one antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes prayer for



bail and submits that the appellants abused the respondent no. 2/informant by taking caste name.

7. Considering the facts and circumstances of the case, similarly situated co-accused has been granted anticipatory bail by this Court, let 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 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 learned Special Judge, SC/ST Act, Purnea, in connection with Sadar P.S. Case No. 156 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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