

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.965 of 2024**

Arising Out of PS. Case No.-25 Year-2023 Thana- SC/ST District- Aurangabad

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1. Baban Singh S/o Late Rambaran Singh
 2. Ravijanam Kumar @ Ravishankar Singh
 3. Ravi Kumar @ Raviranjana Kumar
 4. Chhotu Kumar @ Vishwaranjan Kumar
- All three S/o Baban Singh R/o Village- Sujakarma, P.S.- Muffasil, District- Aurangabad
- Appellant/s

Versus

1. The State of Bihar Bihar
 2. Ram Vilash Ram S/o Late Chalitra Ram R/o Village- Baniyan, P.S.- Deo, District- Aurangabad
- Respondent/s

Appearance :

For the Appellant/s : Mr. Mukul Kumari, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 24-07-2024 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the respondent no.2.

2. The appellants have challenged the order dated 20.01.2024 passed by the learned Ist Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with SC/ST P.S. Case No.25 of 2023 instituted for the offences under Sections 341, 323, 504, 506/34 of the IPC and Section 3(i)(r)(s), 3(2)(va) of the SC & ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants submit that



the appellants are person with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 18-12-2023 and the FIR came to be instituted on 25.12.2023 i.e. after a delay of seven days without any plausible explanation, which amply gives an impression that the instant FIR was instituted by way of afterthought. It is next submitted that even presuming what has been alleged is true without admitting then from perusal of the allegation it would manifest that the FIR does not even remotely suggest that the act of assault was witnessed by any independent witnesses and the occurrence did not take place in public view, as such prima facie no offence under the SC/ST Act is made out.

4. The learned Special P.P. and the learned counsel appearing on behalf of the respondent no.2 the appeal, but then are not in a position to rebut the submissions of the learned counsel for the appellants that the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses.

5. Regard being had to the aforesaid submissions, the order dated 20.01.2024 is set aside.

6. The appeal stands allowed.

7. The appellant above named, in the event of his



arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with SC/ST P.S. Case No.25 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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