

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1281 of 2023

Arising Out of PS. Case No.-20 Year-2022 Thana- SURYAPURA District- Rohtas

-
1. Anand Kumar @ Anand Kumar Singh S/O Late Kamdeo Resident Of Village- Nonhar, P.S.- Suryapura, District- Rohtas.
 2. Bhagirathi Singh S/O Dhan Kumar Singh Resident Of Village- Nonhar, P.S.- Suryapura, District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Premchand Paswan S/O Late Subedar (paswan) Ram Resident Of Village- Nonhar, P.S.- Suryapura, District- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nagendra Upadhyay, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Though, the notice has been validly served upon the respondent no. 2, but nobody appeared on behalf of respondent no. 2.

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 04.02.2023 passed by learned Additional District and Sessions Judge-17-cum-Special Judge SC/ST, Rohtas, Sasaram, in connection with Suryapura P.S. Case No. 20 of 2022 registered under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of



the SC/ST Act.

4. As per the prosecution case, on 13.02.2022, the informant and other persons had gone to fishing. In the meantime, the appellants and other accused, who were armed, confronted them. It is alleged that appellant no. 2 instigated the situation by using filthy language related to caste, threatening to seize the fishing net and bury it in Aahar. Following this, all accused persons abused them by taking caste name and assaulted the informant and others.

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. He fairly submits that there is specific allegation against the appellant no. 2, who is said to have abused the informant by taking his caste name. He further submits that there is case and counter case between the parties and the injuries were found simple in nature. Appellant no. 1 has one criminal antecedent and petitioner no. 2 has two criminal antecedents as mentioned in para-3 of memo of the appeal.

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



7. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellant no. 1, let the above named appellant no. 1, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-17-cum-Special Judge SC/ST, Rohtas, Sasaram, in connection with Suryapura P.S. Case No. 20 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Considering the facts and circumstances of case and the fact that there is specific allegation against appellant no. 2, I am not inclined to enlarge appellant no.2 on anticipatory bail. The prayer for anticipatory bail of the appellant no. 2 is hereby rejected.

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

(Anjani Kumar Sharan, J)

anand/-

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

