

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1379 of 2023

Arising Out of PS. Case No.-14 Year-2022 Thana- SC/ST District- Aurangabad

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1. Abhishek Kumar Singh @ Abhishek Kumar Son of Sanjay Singh Resident of Village - Saya, P.S.- Mali, District - Aurangabad (Bihar).
 2. Diwakar Singh @ Diwakar Kumar Singh Son of Shiokumar Singh Resident of Village - Saya, P.S.- Mali, District - Aurangabad (Bihar).
 3. Surendra Singh Son of Late Ram Bilash Singh Resident of Village - Saya, P.S.- Mali, District - Aurangabad (Bihar).
 4. Umesh Singh @ Umesh Kumar Singh Son of Late Brihaspati Singh Resident of Village - Saya, P.S.- Mali, District - Aurangabad (Bihar).
 5. Chinta Devi Wife of Surendra Singh Resident of Village - Saya, P.S.- Mali, District - Aurangabad (Bihar).
 6. Rustam Kumar @ Rohit Kumar Son of Sanjay Singh Resident of Village - Saya, P.S.- Mali, District - Aurangabad (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Indradeo Paswan Son of Late Jageshwar Paswan Resident of Village - Saya, P.S.- Mali, District - Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. Public Prosecutor Mr. Ashok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-05-2024 Heard the parties.

2. This appeal has been filed against the order dated 13.02.2023 passed by Special Judge, SC/ST cum 1st Additional District & Sessions Judge, Aurangabad arising out of Aurangabad SC/ST P.S. Case No. 14 of 2022, registered under Sections 341, 323, 504, 354(B), 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per the F.I.R., these appellants abused the respondent No. 2 by caste name and assaulted him with *farsa*, *hasua*.

4. Learned counsel for the appellants submits that from perusal of the F.I.R., it is evident that there is no specific allegation of abuse or assault against these appellants rather the allegations levelled against the appellants are general and omnibus. It is further submitted that in fact, appellants are innocent and have falsely been implicated in the present case by the informant only with a view to save his skin from the case lodged by the appellant for some occurrence on 05.12.2022 vide Mali P. S. Case No. 120/2022. It is not the case of the informant that the alleged occurrence took place in the eye of public view and as such, no offence under SC/ST Act is made out against them.

5. Learned Spl. Public Prosecutor for State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the submissions made above, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on



furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Court 1st Additional District & Sessions Judge, Aurangabad in connection with Aurangabad SC/ST P. S. Case No. 14 of 2022.

7. Accordingly, the impugned order dated 13.02.2023 passed by Special Judge, SC/ST cum 1st Additional District & Sessions Judge, Aurangabad arising out of Aurangabad SC/ST P.S. Case No. 14 of 2022 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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