

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1353 of 2024

Arising Out of PS. Case No.-550 Year-2023 Thana- RAFIGANJ District- Aurangabad

1. Vijay Chandrabanshi @ Vijay Singh Chandrabanshi S/o Fekan Chandrabanshi R/o Vill - Bibipur, P.S. - Rafiganj, Dist. - Aurangabad (Bihar)
2. Vikash Chandrabansi @ Vikash Singh S/o Fekan Chandrabanshi R/o Vill - Bibipur, P.S. - Rafiganj, Dist. - Aurangabad (Bihar)
3. Shakti Chandrabanshi @ Shakti Kumar S/o Vijay Chandrabanshi R/o Vill - Bibipur, P.S. - Rafiganj, Dist. - Aurangabad (Bihar)
4. Om Kar Kumar @ Omkar Chandrabanshi S/o Vijay Chandrabanshi R/o Vill - Bibipur, P.S. - Rafiganj, Dist. - Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Yogendra Ram S/o Late Krit Ram R/o Vill - Bibipur, P.S. - Rafiganj, Dist. - Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Sinha, Adv
For the State	:	Mr. Binay Krishna, Spl.PP
For the Respondent No.2:	:	None

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-10-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Though vakalatnama is filed on behalf of the respondent no.2 but when the case is called out, nobody appears on his behalf.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the refusal of prayer of anticipatory bail vide order dated 02.02.2024 passed by learned 1st Additional District & Sessions Judge, Aurangabad in connection with Rafiganj P.S.



Case No. 550 of 2023, registered under Sections 341, 323, 504, 34 of the Indian Penal Code and Section 3(i) (r) (s), 2 (va) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that all the named accused persons including the appellants abused by taking caste name and assaulted the informant and his wife.

4. It is submitted by learned counsel for the appellants that no such occurrence as alleged has ever taken place. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. Hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State opposed the prayer for bail.

6. In the facts and circumstances of the case, 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 released 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 the learned 1st Additional District & Sessions Judge, Aurangabad in connection with Rafiganj P.S. Case No. 550 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

pallavi/-

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

