

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1595 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- SC/ST District- Aurangabad

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1. Nishant Kumar Son of Alok Kumar Resident of Village- Parta, Police Station- Amba, District- Aurangabad
 2. Ambuj Kumar Son of Alok Kumar Resident of Village- Parta, Police Station- Amba, District- Aurangabad
 3. Alok Kumar Son of Late Rajnandan Aazad Resident of Village- Parta, Police Station- Amba, District- Aurangabad
 4. Akash Kumar Singh Son of Jitendra Singh Resident of Village- Parta, Police Station- Amba, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Shayambihari Rai Son of Late Mugesar Rai Resident of Village- Parta, Police Station- Amba, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Sagar, Adv.

For the Respondent/s : Mr. Usha Kumari, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-12-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Though *vakalatnama* has been filed on behalf of
respondent no.2, but nobody appears on his behalf.

3. This is an appeal under section 3(i)(r)(s), 3(2)(v a) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST
Act’) against the refusal of prayer for bail vide order dated
04.03.2024, passed by learned Special Judge SC/ST cum 1st



Additional District Sessions Judge, Aurangabad in connection with Aurangabad SC/ST P.S. Case No. 06 of 2024, registered under Sections 323, 341, 342, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i) (r) (S), 3 (2) (va) of SC/ST Act.

4. As per the F.I.R., the allegation against the appellants is that they along with co-accused persons abused the informant side by taking caste name and also beaten him.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is case and counter case in between the parties and both sides have sustained injury. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He further submits that appellants no. 1, 2 and 4 have one criminal antecedent and appellant no.3 has two criminal antecedent as stated in para-3 of this appeal.

6. However, learned Spl P.P. for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case, arguments of learned counsels of the parties and on perusal of record it is clear that there is no specific overt act against the



appellants, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST cum 1st Additional District & Sessions Judge, Aurangabad in connection with Aurangabad SC/ST P.S. Case No. 06 of 2024, 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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