

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1787 of 2023**

Arising Out of PS. Case No.-492 Year-2022 Thana- GHOSI District- Jehanabad

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1. AJIT KUMAR @ AJIT SHARMA S/O SHIVRAJ SHARMA Resident of Village- Sharma, P.S.- Ghosi, District- Jehanabad.
  2. ANIRUDH SHARMA S/O LATE PRAYAG SHARMA Resident of Village- Sharma, P.S.- Ghosi, District- Jehanabad.
  3. SUNIL SHARMA S/O LATE PRAKASH SHARMA Resident of Village- Sharma, P.S.- Ghosi, District- Jehanabad.
  4. RAM PRAVESH SHARMA @ PRAVESH SHARMA S/O LATE NARESH SHARMA Resident of Village- Sharma, P.S.- Ghosi, District- Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. AMRENDRA KUMAR RAM S/O MOTI RAM Police Sub-Inspector Ghosi, P.S., District- Jehanabad.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Shivendra Prasad, Adv.  
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

6      23-08-2024              Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2.      Since respondent no.2 is Police Sub-Inspector, he is represented by the Spl.P.P. for the State.

3.      This is an appeal under section 14 A (2) 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 anticipatory bail vide order dated 13.03.2023, passed by learned Additional Sessions Judge 1<sup>st</sup>



Jehanabad, in connection with Ghosi P.S. Case No.492 of 2022, registered u/s 147, 341, 342, 323, 353, 279, 379, 504, 506 of the IPC and sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

4. Allegation against the appellant is that he along with other co-accused persons were indulged in loading and carrying of illegal sand and obstructed the police party in discharge of their official duties and abused one of the police official.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that there is no allegation of slating the informant in the specific name of his caste, hence, no offence under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. Further, appellants have no criminal antecedent and similarly situated co-accused namely Amrendra Singh has been granted anticipatory bail by this Court vide Cr. Appeal (SJ) No.2068 of 2023 dated 23.08.2023.

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

7. Considering the facts and circumstances of the case, since similarly situated co-accused has been granted anticipatory bail,



let the appellants named above, 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/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1<sup>st</sup> Jehanabad, in connection with Ghosi P.S. Case No.492 of 2022, 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 this appeal is allowed.

**(Anjani Kumar Sharan, J)**

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