

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1649 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- AMBA District- Aurangabad

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1. Ambuj Kumar Son of Alok Kumar Resident of Village- Parta, P.S.- Amba, District- Aurangabad
 2. Nishant Kumar Son of Alok Kumar Resident of Village- Parta, P.S.- Amba, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Sachin Kumar Roy S/o Amit Kumar Roy Resident of Village- Parta, P.S. Amba, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Jitendra Sagar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-06-2024 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order dated 04.03.2024 passed by the Court of learned Special Judge (SC/ST)-cum-1st Addl. Distt. and Sessions Judge, Aurangabad, in a case registered for the offences punishable under Sections 147, 341, 323, 504 and 506 of the Indian Penal Code, Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms



Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

4. The prosecution case in brief is that on 15.02.2024 at 09:30 in the morning, while the informant was going to market, all the F.I.R. named accused persons, including these appellants, abused the informant by caste name and assaulted him.

5. It is submitted by learned counsel appearing on behalf of the appellants that the appellants have been falsely implicated in this case. It is next submitted that as a matter of fact father of the appellants had filed a case bearing Amba P.S. Case No. 268 of 2023 against the informant and others prior to lodging of the present case and thereafter Appellant No. 2 has also filed a criminal case against the informant and other bearing Aurangabad Town P.S. Case No. 142 of 2024, which is pending for trial, and only with a view to put pressure upon the appellants, this false and concocted case has been lodged. It is not the case of the prosecution that the alleged incidence took place in presence of public and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants.



6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 04.03.2024 passed by the Court of learned Special Judge (SC/ST)-cum-1st Addl. Distt. and Sessions Judge, Aurangabad, in A.B.P. No. 433 of 2024 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST)-cum-1st Addl. Distt. and Sessions Judge, Aurangabad, in connection with A.B.P. No. 433 of 2024 arising out of Amba P.S. Case No. 32 of 2024.

(Prabhat Kumar Singh, J)

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