

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1988 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SC/ST District- Samastipur

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1. Deepak Kumar S/o Anil Kumar Pal R/o vill - Chandchaur, Mathurapur, P.S. - Ujiarpur, Distt. - Samastipur
 2. Suraj Kumar Pal S/o Anil Kumar Pal R/o vill - Chandchaur, Mathurapur, P.S. - Ujiarpur, Distt. - Samastipur
 3. Vikash Kumar S/o Sunil Pal R/o vill - Chandchaur, Mathurapur, P.S. - Ujiarpur, Distt. - Samastipur

... .. Appellants.

Versus

1. The State of Bihar
2. Mahesh Ram S/o Late Kishun Ram R/o vill and P.o - Chandchaur Mathurapur, P.S. - Ujiarpur, Distt. - Samastipur

... .. Respondents.

Appearance :

For the Appellants	:	Mr. Lakshmindra Kumar Yadav, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2:	:	Mr. Shubhesh Pandey, Advocate

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 assisted by learned counsel for the respondent no.2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 14.03.2024 passed by learned Special Judge (SC/ST Act), Samastipur in connection with SC/ST P.S. Case No. 02 of 2024 registered under Sections 341, 323, 324, 325, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The appellants along with other co-accused are said to have assaulted the informant and his family members and also abused them by taking caste name.

4. 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 land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of about seventeen days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, 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 Special Judge (SC/ST Act), Samastipur in connection with SC/ST P.S. Case No.02 of 2024, 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)

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