

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2189 of 2024

Arising Out of PS. Case No.-137 Year-2021 Thana- KHUSRUPUR District- Patna

-
1. Sakal Singh @ Sakal Yadav SON OF RAM SWAROOP SINGH Resident of Village -Malpur, Police station- Khushrupur District- Patna
 2. Uma Shankar Kumar SON OF RAM SWAROOP SINGH Resident of Village -Malpur, Police station- Khushrupur District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandrabhan NA PSI cum SHO Khushrupur Station, District Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Shanker Pankaj
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 10-05-2024 Heard learned counsel for the parties.

2. This appeal has been preferred on behalf of the appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act, 1989 for setting aside the order dated 04.04.2024, passed by the learned Exclusive Special Judge, SC/ST, Patna, in ABP No.1255 of 2024, in connection with Khushrupur P.S.Case No. 137 of 2021, registered for the offences punishable under Sections 147, 148, 149, 188, 337, 332, 333, 269, 353, 307, 379, 504 and 506/120(B) of the Indian Penal Code, Section 3/6 of the Epidemic Disease Amendment Act, 2020, Sections 51/52/54 of the Disaster Management Act



and Sections 3(i)(r) (s), 3(2)(V-U) of the SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

3. Allegedly, the members of the Barat Party, including the appellants, flouted the guidelines of restrictions of Covid-19 and when the informant along with police party went there, they protested and pelted stones. They also attempted to snatch the arms from the police personnel. The accused persons also abused a police personnel by calling his caste name.

4. The learned counsel for the appellants has submitted that the occurrence has not taken place due malicious feeling of caste and the appellants are persons of clean antecedents. He has submitted further that one co-accused person, having similar allegations, have been granted the anticipatory bail by this Court under order dated 12.10.2022 passed in Cr.Appeal (SJ) No. 2926 of 2022.

5. Considering the facts and circumstances, *prima face*, the provisions of SC/ST Act is not attracted. The appeal is accordingly allowed and the impugned order dated 04.04.2024 rejecting the anticipatory bail of the appellants, is set aside.

6. Accordingly, in the event of arrest or surrender within four weeks from today, the appellants, above-named,



shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Judge, SC/ST, Patna, in connection with Khushrupur P.S.Case No. 137 of 2021.

(Nawneet Kumar Pandey, J)

HR/-

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

