

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2250 of 2024

Arising Out of PS. Case No.-213 Year-2024 Thana- BARH District- Patna

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1. Amerika Singh Son Of Late Brijbeni Singh @ Brijbeni Singh Village-Lalitpur, Agwanpur, Ps- Barh, Dist- Patna
 2. Anoj Singh @ Anoj Kumar Son Of Amerika Singh Village-Lalitpur, Agwanpur, Ps- Barh, Dist- Patna
 3. Amit Kumar @ Karu Son Of Amerika Singh Village-Lalitpur, Agwanpur, Ps- Barh, Dist- Patna
 4. Sonu Kumar Son Of Anoj Singh @ Anoj Kumar Village-Lalitpur, Agwanpur, Ps- Barh, Dist- Patna
 5. Sunny Kumar @ Sunny Singh Son Of Anoj Singh @ Anoj Kumar Village-Lalitpur, Agwanpur, Ps- Barh, Dist- Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Darshan Paswan Son Of Late Jamun Paswan Village-Lalitpur, Agwanpur, Ps- Barh, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Narayan Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-07-2024 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Binay Krishna. No one appears on behalf of 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 22.04.2024 in ABP No.1423/2024, passed by the



learned Exclusive Special Judge, SC/ST Act, Patna in connection with Barh P.S. Case No.213/2024, registered under Sections 342, 323, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellant no.1 has antecedent of one case, appellant no.2 has antecedent of three cases and appellant no.3, 4 and 5 have antecedent of two cases but then all the cases are under minor sections of the Indian Penal Code and the case have been instituted by their agnates. It is further submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that appellants abused the informant by taking caste name and also assaulted by butt of pistol, on account of which, he sustained head injury. It is next submitted that appellant no.1 is on Dialysis and in support of the same, medical prescriptions by way of Annexure-6 series have been annexed. It is also submitted that the allegation of abuse and assault is general and omnibus in nature and the F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witnesses.

4. Learned Special Public Prosecutor Mr. Binay Krishna opposes the prayer for anticipatory bail of the



appellants.

5. Considering the submission of the learned counsel for the appellants and the fact that the F.I.R. came to be instituted after a delay of seven days, the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

6. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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