

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2352 of 2024

Arising Out of PS. Case No.-58 Year-2023 Thana- FESHAR District- Aurangabad

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1. Nitish Kumar Son of Ravindra Singh Village Takipur @Thakuri Bigha PS. Fesar, District- Aurangabad, Bihar
 2. Ravindra Singh Son of Late Teju Singh Village Takipur @Thakuri Bigha PS. Fesar, District- Aurangabad, Bihar
 3. Sri Singh S/O Late Jangalu Singh Village Takipur @Thakuri Bigha PS. Fesar, District- Aurangabad, Bihar
 4. Pintu Kumar Son of Sri Singh Village Takipur @Thakuri Bigha PS. Fesar, District- Aurangabad, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Chandravanshi S/O Suryadeo Chandravanshi R/O village- Thakuri Bigha, P.S. Fesar, District- Aurangabad, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs.Alka Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Bindeshwar Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-08-2024 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

2. This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Amendment Act 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 01.05.2024, passed by learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad, in connection with Fesar P.S. Case No.58 of 2023,



registered u/s 147, 148, 149, 341, 323, 324, 325, 307, 427, 504 and 506 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

4. Allegedly the F.I.R. named accused persons including the appellants are said to have assaulted the informant's side by means of several weapons due to which they sustained injuries.

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 no offence under the SC/ST Act is made out against the appellants as there is no specific overt act against them to abuse the informant. Appellants have no criminal antecedent and several similarly situated co-accused have been granted anticipatory bail by this Court vide Cr. Appeal (SJ) No.2518 of 2023 dated 13.12.2023.

6. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 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 Special Judge (S.C./S.T.)-cum-1st Additional District & Sessions Judge, Aurangabad, in connection with Fesar P.S. Case No.58 of 2023, 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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