

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2274 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- BARUN District- Aurangabad

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1. Pankaj Kumar Singh S/O Ravindra Singh R/O Village- Pithanua, P.S.- Barun, District- Aurangabad(Bihar)
 2. Randhir Kumar Singh S/O Rameshwar Singh R/O Village- Pithanua, P.S.- Barun, District- Aurangabad(Bihar)
 3. Ajay Kumar Singh S/O Late Ramjee Singh R/O Village- Pithanua, P.S.- Barun, District- Aurangabad(Bihar)
 4. Ujjawal Kumar Singh S/O Satyendra Singh R/O Village- Pithanua, P.S.- Barun, District- Aurangabad(Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Kumar Ram Son of Kariman Ram R/O Village- Pithanua, P.S.- Barun, District- Aurangabad(Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shailesh Kumar Singh
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 7 21-09-2024 The Interlocutory Application No. 01 of 2024 has been filed for condonation of delay of 25 days in preferring the appeal.
2. For the reasons disclosed in the interlocutory application, the delay is condoned and accordingly I.A. No. 01 of 2024 stands allowed.
3. The bail application of the appellant no. 1 was withdrawn vide order dated 08.08.2022.
4. Heard learned counsel for the appellants and



learned counsel for the informant.

5. This appeal has been preferred on behalf of the appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 08.03.2022 in connection with Barun P.S.Case No. 157 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 427, 504 and 506 of the Indian Penal Code and Section 3(i)(r) (s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

6. As per allegation, co-accused Anand Kumar Singh has parked his tractor on the road and when the informant asked him to side the tractor, he abused him by calling his caste name. Meanwhile, procession of Shiv Visarjan was passing on and the accused persons including the appellants abused the informant and co-accused Anand Kumar Singh and Chhotu Kumar Singh assaulted him.

7. Learned counsel for the appellants has submitted that the allegation of assault is only against Chhotu Kumar Singh and Anand Kumar Singh and not against the appellants. He has submitted further that the occurrence did not take place due to malicious feeling of caste and there was a counter case on



the same day being Barun P.S.Case No. 168 of 2021. He has also submitted that there is no grievous injury on the body of the informant.

8. On the other hand, learned counsel for the informant has opposed the prayer for bail.

9. There appears to be a counter case of Barun P.S.Case No. 168 of 2021. The provision of SC/ST Act does not attract *prima facie*.

10. Considering the facts and circumstances, the appeal is allowed and the impugned order dated 08.03.2022 is set aside.

11. 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 1st Additional District and Sessions -cum-Special Judge, SC/ST, Aurangabad in connection with Barun P.S.Case No. 157 of 2021.

(Nawneet Kumar Pandey, J)

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