

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2831 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- SASARAM NAGAR District- Rohtas

1. Janu Singh @ Suraj Singh Son Of Nagendra Singh R/O- Mohalla -NEW Area, Bauliya, P.S.- Sasaram At District Rohtas
2. Golu Singh @ Avinash Abhay Son Of Arun Kumar Singh R/O- Mohalla -NEW Area, Bauliya, P.S.- Sasaram At District Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Hari Ram Son Of Late Sheojanam Ram R/O- Mohalla- New Area, Bauliya Road, Jagdeo Nagar, Ward No. 17, P.S.- Sasaram (t), Distt.- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Siddharth Harsh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-10-2024 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Sadanand Paswan along with learned counsel appearing 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 24.05.2024 passed by the learned Additional District and Sessions Judge-17-cum-Special Court, SC/ST, Rohtas at Sasaram in connection with Sasaram (T) P.S. Case No.167/2024, registered under Sections 341, 323, 404, 34 of the Indian Penal Code as well as Sections 3(i)



(s), 3(i)(r) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant with an allegation that appellant no.2 assaulted the informant with lathi causing injury on finger, while Amlesh and Golu assaulted the son of the informant by bat on account of dispute.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is also submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witnesses. It is next submitted that the allegation of assault is ornamental in nature. It is next submitted that respondent no.2 is a retired police inspector and is in habit of misusing the provision of the SC/ST Act and has instituted Sasaram Town P.S. Case No. 427/2023 and Sasaram Town P.S. Case No.418/2022 against other persons. It is also submitted that the informant in the F.I.R. alleges that on 13.02.2024 at about 8.00 P.M., Amlesh along with an unknown accused came to the door of the informant and started abusing him with his caste name and thereafter on 14.02.2024 at 7.30 A.M., the informant asked the accused persons that why they were abusing him, on which, it is alleged that Janu



assaulted. It is thus submitted that if the accused had committed the occurrence on 13.02.2024 why no F.I.R. was instituted on the said date. It is further submitted that since the appellants and respondents are neighbour, as such, they are having dispute relating to passage.

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

6. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let 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) each 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.

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

(Satyavrat Verma, J)

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