

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.513 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- OBRA District- Aurangabad

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1. RAMBALI RAWANI S/o Late Tulsi Rawani Resident of Vill.- Mahthi Post Lukagarh, P.S.- Obra, Distt.- Aurangabad.
 2. Binod Rawani S/o Rambali Rawani Resident of Vill.- Mahthi Post Lukagarh, P.S.- Obra, Distt.- Aurangabad.
 3. Pramod Rawani S/o Rambali Rawani Resident of Vill.- Mahthi Post Lukagarh, P.S.- Obra, Distt.- Aurangabad.
 4. Vikash Kumar S/o Shambhu Rawani Resident of Vill.- Mahthi Post Lukagarh, P.S.- Obra, Distt.- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dineshwar Ram Late Mahavir Ram Vill- Mahsi, P.O- Obra, P.S.- Obra, Dist.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 20-09-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Though Vakalatnama has been filed on behalf of the respondent, but nobody appears on his behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 27.08.2020 passed by learned 1st Additional



Sessions Judge-cum-Special Judge SC/ST Aurangabad in connection with Obra P.S. Case No. 117 of 2020 registered under Sections 147, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and Section 3(1)(r)/3(1)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the FIR named accused persons including the appellants are said to have abused and assaulted the informant's side brutally with deadly weapons due to which they sustained injuries.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellants is totally false and based on concocted facts. There is no specific overt act against the appellants to abuse the informant's side by taking their caste name. Hence no offence under SC/ST Act is made out against the appellants. It is further submitted that there is case and counter case between the parties. Both sides have sustained injuries in the alleged occurrence. All the injuries sustained by the informant's side were found simple in nature, which is also evident from the



injury report enclosed in the case diary. It is further submitted that that the appellants have no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposes the prayer for bail.

7. In the facts and circumstances of the case, as there is no specific overt act against the appellants, the above named appellants, 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/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST Aurangabad in connection with Obra P.S. Case No. 117 of 2020 , 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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