

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3053 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- GARKHA District- Saran

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1. Lalan Singh Son of Late Shiv Kumar Singh Resident of village - Makinpur, P.S.- Garkha, District - Saran at Chapra.
 2. Vinay Kumar @ Vinay Kumar Singh Son of Lalan Singh Resident of village - Makinpur, P.S.- Garkha, District - Saran at Chapra.
 3. Rakesh Singh Son of Kedar Singh Resident of village - Makinpur, P.S.- Garkha, District - Saran at Chapra.
 4. Rajiv Kumar Singh @ Raju Kumar Singh Son of Lallan Singh Resident of village - Makinpur, P.S.- Garkha, District - Saran at Chapra.
 5. Nitesh Kumar Singh Son of Kedar Singh Resident of village - Makinpur, P.S.- Garkha, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendra Ram Son of Sadhu Ram Resident of village - Makinpur, P.S.- Garkha, District - Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Udai Shankar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2024 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Sadanand Paswan and the 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 28.05.2024 in A.B.P. No. 1638/2024 passed by the



learned SC/ST Exclusive Special Judge, Chapra, Saran in connection with Garkha P.S. Case No.157/2024, registered under Sections 147, 149, 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) & 3(2)(va) of the SC/ST (POA) 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. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is general and omnibus in nature. It is next submitted that even the occurrence is alleged to have taken place in the house of the informant, as such, was not in public view. Further, no specific allegation is alleged against any of the appellants of assaulting the injured. It is also submitted that the injury suffered by the injured is simple in nature. It is next submitted that since specific allegation of assault is not alleged and the injury is simple in nature, which amply demonstrates that the appellants never had any intention of committing a serious occurrence.

4. Learned counsel appearing on behalf of the respondent no.2 vehemently opposes the appeal but then is not in a position to rebut the submission made by the learned



counsel appearing on behalf of the appellants that appellants are persons with clean antecedent and the entire occurrence took place at the house of the informant and the F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witnesses and the allegation of assault is also not specific.

5. 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.

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

(Satyavrat Verma, J)

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