

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3186 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- FESHAR District- Aurangabad

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1. Inddrajeet Kumar @ Indrajeet Kumar @ Gopal @ Gopal Kumar, aged about 20 years, Male, Son of Nand Kishore Saw, R/O Vill.- Panday Khap, P.S.- Fesar, Dist.- Aurangabad, Bihar
 2. Subhash Saw @ Subhash Kumar @ Subhash Sao, aged about 18 years, Male, Son of Rampukar Saw, R/O Vill.- Panday Khap, P.S.- Fesar, Dist.- Aurangabad, Bihar.
 3. Renu Kumari @ Rinu Kumari, aged about 22 years, Female, Daughter of Sanjay Saw, R/O Vill.- Panday Khap, P.S.- Fesar, Dist.- Aurangabad, Bihar.

... .. Appellants

Versus

1. The State Of Bihar.
2. Niranjana Kumar, aged about 26 years, Male, Son of Late Jagdeo Paswan, R/O Vill.- Pandey Khap, P.S.- Fesar, Dist.- Aurangabad.

... .. Respondents

Appearance :

For the Appellants	:	Mrs. Rupa Kumari, Advocate
For the Respondent No.2:	:	None
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 04-12-2024 Heard learned counsel for the appellants and learned Spl. P.P. for the State. None appears for the respondent no. 2 despite valid service of notice on him.

2. 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 for prayer of anticipatory bail of the appellants vide order dated 06.03.2024, passed by the learned Special Judge (SC/ST)-cum-Ist Additional District &



Sessions Judge, Aurangabad, Bihar, in connection with Fesar P.S. Case No. 206 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 302, 504 of the I.P.C. and Sections 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act.

3. The prosecution case, in brief, on 14.11.2023 at 4.00 P.M., while the cousin brother of the informant, Sujeet Kumar was returning to his home after grinding flour, the co-accused Ramakant Kumar and Govind Sao stopped and assaulted him causing hand injury. When the informant's family went to the door of the co-accused Sanjay Sao for query about it, the appellant nos. 1 and 2 and other co-accused persons having lathi-danda in their hands came and assaulted the informant's family members due to that they sustained injuries. When the informant's grand mother, Munari Devi came to pacify the quarrel, the co-accused Dhananjay Sao assaulted with rod due to that she died. When fight was going on, the appellant no. 3 alongwith several co-accused were pelting bricks and stones from their roofs on the informant's family members by calling his caste name.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been



implicated in the present case due to ulterior motive. There is general and omnibus allegation against the appellants. It is further submitted that the specific allegation of assault on the deceased is against the co-accused Dhananjay Sao. The other co-accused Dhananjay Kumar @ Baiju Sao @ Dhananjay Prasad Gupta @ Dhananjay Sao has already been granted anticipatory bail by a Bench of this Court vide Cr. Appeal (SJ) No. 759 of 2024 under order dated 23.08.2024. The appellants have clean antecedent as stated in paragraph no. 3 of the memo of appeal. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellants.

5. Learned Spl. P.P. for the State has opposed the prayer for bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 06.03.2024, passed by learned Special Judge (SC/ST)-cum-Ist Additional District and Sessions Judge, Aurangabad, Bihar in connection with Fesar P.S. Case No. 206 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST)-cum-Ist Additional District and Sessions Judge, Aurangabad, Bihar in connection with Fesar P.S. Case No. 206 of 2023 with further condition:-

I. The appellants are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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