

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2954 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- RISIYAP District- Aurangabad

-
1. UMASHANKAR SINGH Son of Rampravesh Singh Resident of Village - Matihani, P.S.- Risiup, District - Aurangabad (Bihar).
 2. Murari singh Son of Rampravesh Singh Resident of Village - Matihani, P.S.- Risiup, District - Aurangabad (Bihar).
 3. Shubham Singh Son of Late Sanjay Singh Resident of Village - Matihani, P.S.- Risiup, District - Aurangabad (Bihar) (incorrectly mentioned in F.I.R. as 'Late Murari Singh')

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Malti Devi Wife of Virendra Paswan Resident of Village - Matihani, P.S.- Risiup, District - Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Leelawati Kumari, Adv.
For the Informant	:	None
For the Respondent/s	:	Mr.Binay Krishna, Spl.pp.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 15-03-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State, however, learned counsel for the informant is not present despite proper service of notice.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated 16.07.2022 passed by the 1st Additional District and Sessions Judge-cum -Special Judge, SC/ST (POA)



Act, Aurangabad in A.B.P. No. 1167 of 2022 arising out of Risiup P.S. Case No. 38 of 2022 dated 19.04.2022 registered for the offence/s punishable u/ss 341, 323, 504, 379, 308 and 354 read with section 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s) / 3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, when the informant asked for the payment of his remuneration, the appellants and the co-accused persons assaulted the informant and abused by calling her caste name. When her nephew came to rescue, then the accused Umashankar and Murari Singh assaulted on his head with iron rod and they also abused and assaulted her family members.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is case and counter case between the parties. The injured persons namely Malti Devi, Pankaj Paswan and Abhishek Paswan were treated at Sadar Hospital, Aurangabad and they complained of ache. The medical officer has found no injury. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned



counsel has further submitted that no specific caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellants have no criminal antecedents as stated in para 3 of the appeal.

5. Learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 16.07.2022 passed by the 1st Additional District and Sessions Judge-cum -Special Judge, SC/ST (POA) Act, Aurangabad in A.B.P. No. 1167 of 2022 arising out of Risiup P.S. Case No. 38 of 2022, 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 1st Additional District and Sessions Judge-cum -Special Judge, SC/ST (POA) Act, Aurangabad in A.B.P. No. 1167 of 2022, subject to



conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

