

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3673 of 2023

Arising Out of PS. Case No.-427 Year-2023 Thana- SASARAM NAGAR District- Rohtas

1. TAUPI SINGH @ BINI KUMAR @ TOFFY SINGH @ BINIT KUMAR
son of Baban singh Village- Jagdeo Nagar Ps- Sasaram Town Dist- Rohtas
2. Priyanak singh @ Subhanshu Rathaur son of Baban Singh Village- Jagdeo
Nagar Ps- Sasaram Town Dist- Rohtas
3. Baban Singh son of Late Srinivash singh Village- Jagdeo Nagar Ps-
Sasaram Town Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. hari Ram son of Late Shivjanam Ram Mohalla Jagdeo Nagar New Area
Ward no-17, Ps- Sasaram Town Dist- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 15-03-2024 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes against the refusal of
prayer for anticipatory bail vide order dated 19.07.2023 passed
by the learned A.D.J.-XVII-cum-Exclusive Special Judge,
SC/ST, Rohtas at Sasaram in connection with Sasaram (Town)
P.S. Case No. 427 of 2023, registered for the alleged offences
under Sections 341, 323, 448, 354B, 307, 504 and 34 of the
Indian Penal Code and Sections 3(i)(r)(v) of the SC/ST



(Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the appellants holding *lathi, danda* and iron rod entered the house of the informant and abused them by taking caste name and also assaulted the informant and his family members and made them severely injured. On the instigation of the appellant no. 3, the co-accused Gudan Singh assaulted on the head of the informant with iron rod due to which his head sustained injury.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The allegation of abusing against the appellants are general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence, no offence under the provisions of SC/ST Act is made out against the appellants. There is no specific allegation against these appellants. The injury sustained by the informant is found to be simple in nature mentioned in para 9 of the appeal. The appellants have no criminal antecedent mentioned in para 3 of the appeal.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.



6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellants, the impugned order dated 19.07.2023 passed by the learned A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram, in connection with Sasaram (Town) P.S. Case No. 427 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/ 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 learned A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram, in connection with Sasaram (Town) P.S. Case No. 427 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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