

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3752 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- SIDHWALIYA District- Gopalganj

1. SIKANDAR YADAV @ SATENDRA YADAV S/O HAWALDAR YADAV R/O VILLAGE- SAREIYA, PAHAR, P.S- SIDHWALIYA, DISTT.- GOPALGANJ.
2. JATA SHANKAR YADAV @ JATA YADAV S/O HAWALDAR YADAV R/O VILLAGE- SAREIYA, PAHAR, P.S- SIDHWALIYA, DISTT.- GOPALGANJ.

... .. Appellant/s

Versus

1. The State of Bihar
2. SHANKAR RAM S/O LATE LAGAN RAM R/O VILLAGE- SAREIYA, PAHAR, P.S- SIDHWALIYA, DISTT.- GOPALGANJ.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bijay Prakash Singh, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP.
		Mr. Surendra Prasad Gupat, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 24-01-2024 Heard learned counsels for the parties.

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 of prayer of anticipatory bail vide order dated 04.07.2023 passed by learned Additional Sessions Judge-III-cum-SC/ST Special Judge, Gopalganj (Bihar) in connection with Sidhwaliya P.S. Case No. 166 of 2023 registered under Sections 447, 341, 323, 324, 325, 307, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s),



3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, all the accused persons including the appellants are said to have assaulted the informant's side brutally with deadly weapons due to which they sustained several injuries and also abused the informant by taking his caste name.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault and abuse levelled against the appellants is not specific rather general and omnibus in nature. Both the parties are co-villagers and there is land dispute between them. Injured Shankar Ram has sustained one grievous injury, but it cannot be determined by whom the said injury was caused. Rest of the injured persons have sustained simple injuries. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. In the facts and circumstances of the case, as there is



general and omnibus allegation of abuse and assault 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 enlarged 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 Additional Sessions Judge-III-cum-SC/ST Special Judge, Gopalganj (Bihar) in connection with Sidhwaliya P.S. Case No. 166 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

divyanshi/-

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

