

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3884 of 2023

Arising Out of PS. Case No.-558 Year-2023 Thana- CHAPRA TOWN District- Saran

1. DIPANSHU RAJ @ GOLU @ DIPANSHU RAI SON OF BIRENDRA KUMAR SINHA @ BIRU RESIDENT OF MOHALLA - SIYA MASJID, DAHIYAWAN, P.S. - TOWN THANA (NAGAR THANA), DISTRICT - SARAN AT CHAPRA
2. HIMANSHU RAJ @ GESHU SON OF BIRENDRA KUMAR SINHA @ BIRU RESIDENT OF MOHALLA - SIYA MASJID, DAHIYAWAN, P.S. - TOWN THANA (NAGAR THANA), DISTRICT - SARAN AT CHAPRA
3. SITANSHU RAJ @ TILLU SON OF BIRENDRA KUMAR SINHA @ BIRU RESIDENT OF MOHALLA - SIYA MASJID, DAHIYAWAN, P.S. - TOWN THANA (NAGAR THANA), DISTRICT - SARAN AT CHAPRA

... .. Appellant/s

Versus

1. The State of Bihar PATNA
2. GULAB CHAND CHAUDHARY SON OF LATE GANGA PRASAD CHOUDHARI RESIDENT OF MOHALLA - DAHIYAWAN MISSION, P.S. - TOWN THANA (NAGAR THANA), DISTRICT - SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 08.11.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. 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 07.08.2023 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Saran in connection with Town Thana (Nagar Thana) P.S. Case No. 558 of 2023 registered under Sections 341, 323, 324, 354, 504, 34 of the Indian Penal Code and Sections 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including the appellants are said to have assaulted the informant's side brutally and also abused them by taking the caste name.

5. 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. There is admitted land dispute between the parties. This fact is also denied by learned counsel for the State. The injuries sustained by the injured are simple in nature. Appellant nos. 1 & 2 have one criminal antecedent, whereas appellant no.3 has no criminal antecedent as mentioned in para-3 of memo of appeal.



6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is general and omnibus allegation against the appellants to abuse the informant's side by taking caste name and the injuries of the injured are simple in nature, 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 Exclusive Special Judge, SC/ST (POA) Act, Saran in connection with Town Thana (Nagar Thana) P.S. Case No. 558 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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