

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4163 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- SC/ST District- Begusarai

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1. Rohit Kumar Son Of Arun Jha Resident Of Ward No.8, Village - Keshave, P.S. - Barouni, District - Begusarai, Bihar - 851134
 2. Tarun Kumar Choudhary @ Tarun Singh Son Of Bali Choudhary Resident Of Ward No.6, Village - Vrijraoli, P.S. - Shahpur, District - Vaishali - 844505
 3. Rajesh Kumar Singh @ Gudoo Singh Son Of Ram Naresh Singh Resident Of Ward No.8, Village - Keshave, P.S. - Barouni, District - Begusarai, Bihar - 851134

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Das Son Of Janki Das Resident Of Village - Keshave, P.S. - Barauni, District - Begusarai, Bihar - 851134

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Archana Sinha @ Archana Shahi, Adv.
For the State	:	Mr. Sadanand Paswan, Spl. PP
For the Respondent no.2	:	Mr. Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 28-06-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

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 08.08.2023 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with



Begusarai Sadar P.S. Case No. 42 of 2022 registered under Sections 147, 148, 149, 341, 323, 324, 380, 354B, 427, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) and 3(2)(v) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellant along with other co-accused persons named in F.I.R. and 30-40 unknown persons came at the house of the informant, abused and assaulted the informant, destroyed his house and looted the house hold articles.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. He submits that the entire occurrence took place inside the house, hence, no offence under SC/ST Act is made out against the appellant. He further submits that some of the co-accused have been granted anticipatory bail by this Court vide order dated 20.09.2023, 20.09.2023 and 07.02.2024 passed in Cr. Appeal (SJ) No. 2798 of 2023, Cr. Appeal (SJ) No. 2875 of 2023 and Cr. Appeal (SJ) No. 4290 of 2023 respectively. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.



5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed the prayer for anticipatory bail and submitted that there is allegation against the appellant of assaulted the informant and his family members inside the house.

6. Considering the facts and circumstances of the case and the fact that the occurrence took place inside the house, let 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 learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with Begusarai Sadar P.S. Case No. 42 of 2022, 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)

anand/-

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