

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4183 of 2023

Arising Out of PS. Case No.-490 Year-2020 Thana- MAHUA District- Vaishali

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1. VINAY KUMAR SINGH @ ABHISHEK SINGH S/O LATE RAM CHNADRA SINGH R/O VILLAGE- SUPAUL TARIYA, P.S- MAHUA, DISTT.- VAISHALI.
 2. RAVI KUMAR S/O VINAY KUMAR SINGH @ ABHISHEK SINGH R/O VILLAGE- SUPAUL TARIYA, P.S- MAHUA, DISTT.- VAISHALI.

... .. Appellant/s

Versus

1. The State of Bihar
2. DURGESHWARI DEVI W/O AWDHESH PASWAN (EX-MUKHIYA), R/O VILLAGE- SUPAUL TARIYA, P.S- MAHUA, DISTT.- VAISHALI.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravish Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 31-01-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 22.11.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her 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 17.07.2023 passed by learned Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Mahua P.S. Case No.490 of 2020, registered under Sections 341, 323, 325, 506, 504, 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellant no.2 and one another person pointed a revolver at informant's son and abused him by taking his caste name. When people started coming around to rescue the informant's son, the appellants ran away from there.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He further submits that there is specific allegation against the appellant no.2 to abuse the son of the informant and as far as the appellant no.1 is concerned, there is no specific allegation against him. Appellant no.1 has one criminal antecedent and appellant no.2 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. Having regard to the facts and circumstances of the as well as considering that there is specific allegation against the appellant no.2 to abuse the informant's son by taking his caste name, I am not inclined to enlarge the appellant no.2 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected

8. However, if the appellant no.2 surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law considering that the appellant no.2 has no criminal antecedent.

9. However, there is no specific overt act against the appellant no.1, let the above named appellant no.1, 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 Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Mahua P.S. Case No.490 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

(Anjani Kumar Sharan, J)

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