

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4212 of 2023

Arising Out of PS. Case No.-102 Year-2016 Thana- MEHANDIGANJ District- Patna

1. PREM SINGH SON OF LATE GANURI SHANKAR SINGH @ LATE GAURI SHANKAR SINGH RESIDENT OF VILLAGE- BELDAR TOLI, PITAMBRA MANDI COLONY, PS- ALAMGANJ, DISTT- PATNA
2. MANISH SINGH SON OF SHRI GANESH SINGH @ DAROGA SINGH RESIDENT OF VILLAGE- BELDAR TOLI, PITAMBRA MANDI COLONY, PS- ALAMGANJ, DISTT- PATNA
3. ASHOK SINGH SON OF LATE GANURI SHANKAR SINGH RESIDENT OF VILLAGE- BELDAR TOLI, PITAMBRA MANDI COLONY, PS- ALAMGANJ, DISTT- PATNA

... .. Appellant/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Surendra Kumar Singh, Sr. Adv
		Mr. Praveen Prakash, Adv
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

2. In compliance of the order dated 08.11.2023, 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 25.04.2022 passed by learned Special Judge SC/ST, Patna, the Exclusive Special Court, SC/ST Act, in connection with Mehdi Ganj P.S. Case No.102 of 2016, registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(x) and (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, co-accused Daroga Singh abused the mother of the informant. When the informant's brother protested, Daroga Singh and all the residents of his village assaulted the informant's side.

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 submits that the appellants are not named in the FIR, they have been made accused in the present case during the course of investigation. He further submits that the appellants were not present on the spot at the time of alleged occurrence. On the alleged date of occurrence and at present also, the appellants continue to remain in New Delhi for earning their livelihood. Appellants have 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 the appellants are not named in the FIR and there is no specific overt act against them, 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 the learned Special Judge SC/ST, Patna, the Exclusive Special Court, SC/ST Act, in connection with Mehdi Ganj P.S. Case No.102 of 2016, 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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