

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4264 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- SARAI RANJAN District- Samastipur

Vijay Kumar Sah @ Bhola @ Bhola Sah Son Of Late Jagdish Sah R/O
Mohalla- Ward No. 10, Ps- Sarairanjan, Distt- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Chandra Chaupal Na Present Address S.H.O. Ps- Sarairajan, Distt- Samastipur, Permanent Address- Village- Laho Chaur, Ps- Manigachi, Distt- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-02-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 01.11.2023, he has informed the informant/complainant but none is present 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, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 17.07.2023, passed by learned Special Judge (SC/ST Act), Samastipur in connection with Sarairanjan P.S. Case No. 315 of 2022, registered under Sections 147, 149, 341, 323, 332, 337,



353, 504 of the IPC and Sections 3(i) (r), 3 (2) (va) of SC/ST Act.

4. Appellant along with other accused persons are said to have thrown bricks and stone and abused the informant by taking caste name.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He submits that the appellant is the member of mob. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellant, let the above named appellant in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Samastipur in connection with Sarairanjan P.S. Case No. 315



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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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