

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4299 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- RISIYAP District- Aurangabad

-
1. PRIYANSHU KUMAR S/O UPENDRA SINGH RESIDENT OF VILLAGE- BISAINI, BARKA GAUON, P.S RISIUP, DISTRICT AURANGABAD
 2. RAUSHAN KUMAR SON OF JITENDRA SINGH @ BUTANI SINGH RESIDENT OF VILLAGE- BISAINI, BARKA GAUON, P.S RISIUP, DISTRICT AURANGABAD
 3. DEEPAK KUMAR SON OF BIRENDRA SINGH RESIDENT OF VILLAGE- BISAINI, BARKA GAUON, P.S RISIUP, DISTRICT AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar
2. MANOHAR KUMAR SON OF RAJA RAM VILLAGE- BISAINI, BARA GAUON, PS- RISIUP, DIST- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ratneshwar Prasad, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP.
		Ms. Mukul Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-02-2024 Heard learned counsels for the parties.

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 28.08.2023 passed by learned Special Judge (SC/ST Act) cum 1st Additional District & Sessions Judge, Aurangabad in connection with Risiup P.S. Case No. 114 of 2023 registered under Sections 341, 323, 506, 504, 34 of the



Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, all the accused persons including the appellants are said to have abused the informant by taking his caste name and assaulted him as well.

4. 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 dirty village politics. 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. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, as there is general and omnibus allegation of abuse and assault against the appellants, 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 Act) cum 1st Additional District & Sessions Judge, Aurangabad in connection with Risiup P.S. Case No. 114 of 2023, 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)

divyanshi/-

U		T	
---	--	---	--

