

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4387 of 2023

Arising Out of PS. Case No.-211 Year-2023 Thana- DHANARUA District- Patna

-
1. RITIK KUMAR son of Arvind Prasad Village- Bhergwan Ps- Dhanrue Dist- Patna
 2. Manish Kumar son of Arvind Kumar @ Arvind Prasad Village- Bhergwan Ps- Dhanrue Dist- Patna
 3. Raushan Kumar @ Manish Kumar son of Barhu Prasad Village- Bhergwan Ps- Dhanrue Dist- Patna
 4. Ranjan Kumar @ Shani Kumar son of Anil Kumar @ Anil Prasad Village- Bhergwan Ps- Dhanrue Dist- Patna
 5. Gautam Kumar son of Kamlesh Prasad @ Kamlesh Kumar Village- Bhergwan Ps- Dhanrue Dist- Patna
 6. Rajpal Kumar son of Umesh Prasad Village- Bhergwan Ps- Dhanrue Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajad Kumar son of Amirak Paswan Village- PO-Bhergwan Ps- Dhanrue Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kameshwar Singh, Adv.
For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-07-2024 1. Heard learned counsel for the appellants, learned Spl.P.P. for the State Ms. Usha Kumari No.1 and learned counsel appearing on behalf of the Opposite Party 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 referred to as the “SC/ST



Act”) against the refusal of prayer for **anticipatory bail** vide order dated 21.08.2023 in ABP No. 6267 of 2023 passed by the learned Exclusive Special Judge/Court (SC/ST Act), Patna in connection with Dhanarua P.S. Case No. 211 of 2023 registered under Sections 341, 323, 379 and 504 of the Indian Penal Code and Section 3(i)(r)(s) and 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

3. Learned counsel for the appellants, at the outset, submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that from bare perusal of the allegations as alleged in the FIR it would manifest that prima-facie no evidence under the SC/ST Act is made out as the informant alleges that she was abused by the accused persons near a temple, but then the FIR does not even remotely suggest that the abuse was heard by any independent witness. Thereafter, she alleges that she called her brother who was also assaulted by two named accused persons but then the said occurrence was also not witnessed by any independent witnesses, nor her brother has suffered



any injury. It is also submitted that such allegations have been levelled only with a view to coerce the appellants into submission on account of pre-existing dispute in affair.

4. Learned Spl.P.P. for the State and the learned counsel appearing on behalf of O.P. No.2 oppose the prayer for anticipatory bail of the appellants, but then are not in a position to rebut the submission of the learned counsel for the appellants that the occurrence was not witnessed by any independent witnesses.

5. Considering the submissions made by the learned counsel for the appellants, order dated 21.08.2023 in ABP No. 6267 of 2023 passed by the learned Exclusive Special Judge/Court (SC/ST Act), Patna in connection with Dhanarua P.S. Case No. 211 of 2023, **is hereby set aside** and the appellants, above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dhanarua P.S.



Case No. 211 of 2023 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Shivam/-

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

