

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4728 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- HUSSAINGANJ District- Siwan

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1. BIBEK KUMAR @ BIBIK KUMAR @ VIVEK KUMAR YADAV SON OF DINESH YADAV RESIDENT OF VILLAGE - SALONEPUR, P.S. - HUSSAINGANJ, DISTRICT - SIWAN, BIHAR
 2. NITESH KUMAR SON OF DINESH YADAV RESIDENT OF VILLAGE - SALONEPUR, P.S. - HUSSAINGANJ, DISTRICT - SIWAN, BIHAR
 3. PRAMOD YADAV @ PRAMOD KUMAR @ PRAMOD KUMAR YADAV SON OF SHANKAR YADAV RESIDENT OF VILLAGE - SALONEPUR, P.S. - HUSSAINGANJ, DISTRICT - SIWAN, BIHAR

... ... Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUNDRIKA MANJHI SON OF SUBEDAR MANJHI RESIDENT OF VILLAGE - BELAON, P.S. - DARAULI, DISTRICT - SIWAN, BIHAR

... ... Respondent/s

Appearance :

For the Appellant/s	:	Mr.Prashant Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2024 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about his appearance in the appeal but nobody appears on his 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 for anticipatory bail vide order dated



03.07.2023, passed by learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Siwan, in connection with Hussainganj P.S. Case No.121 of 2023, registered u/s 147, 148, 149, 323, 379, 427, 504, 506 of the IPC and sections 3(i)(r)(s) and 3(1)(va) of the SC/ST Act.

4. As per F.I.R., allegation against the appellants is that they along with other co-accused persons have abused and assaulted the informant and his family members.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against them to have abused the informant by taking caste name. There is general and omnibus allegation against the appellants and no person was injured in the said occurrence. Appellants have one criminal antecedent each.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case, since there is general and omnibus allegation against the appellants, let the appellants named above, in the event of their arrest or



surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Siwan, in connection with Hussainganj P.S. Case No.121 of 2023, 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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