

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5063 of 2023

Arising Out of PS. Case No.-267 Year-2023 Thana- DESARI District- Vaishali

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1. SANDEEP KUMAR Son of Darash Rai Resident of Village - Muraubatur, P.S.- Desari, District - Vaishali.
 2. Umashankar Rai Son of Daulat Rai @ Darash Rai Resident of Village - Muraubatur, P.S.- Desari, District - Vaishali.
 3. Sikandar Rai Son of Dharam Rai @ Darash Rai Resident of Village - Muraubatur, P.S.- Desari, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishwanath Choudhary Son of Late Ashrafi Chaudhary Resident of Village - Muraubatur, P.S.- Desari, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Santosh Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP. Mr. Bam Bahadur Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2024 Heard learned counsels for the parties.

2. Learned counsel for the appellants submits that this appeal on behalf of appellant no.1 has already been dismissed as withdrawn vide order dated 06.02.2024.

3. Now, this appeal survives only for appellant nos. 2 & 3.

4. 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 29.09.2023 passed by learned Exclusive Special Judge (SC/ST Act) cum Additional District & Sessions Judge,



Vaishali at Hajipur in connection with Desari P.S. Case No. 267 of 2023 registered under Sections 341, 323, 385, 325, 379, 504, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. Allegedly, all the accused persons including the appellants are said to have demanded ransom of Rs. 1 lacs and on refusal, the accused persons abused the informant by taking his caste name and also assaulted him and his son with deadly weapons.

6. 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 informant is *Mukhiya* of the said village. The allegation of assault and abuse levelled against the appellants is not specific rather general and omnibus in nature. No one sustained injury in the present case. It is further submitted that the informant is in habit of lodging false FIR against the local persons and for the same, they have also given petition to the S.D.P.O., Mahnar, Vaishali against the informant. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

7. Learned Spl. PP for the State as well as learned counsel



for the respondent no.2 opposes the prayer for bail. Learned counsel for the respondent no.2 submits that the appellants are involved in the present case, but further fairly submits that no person got injured in the present case.

8. In the facts and circumstances of the case, as there is general and omnibus allegation of abuse and assault against the appellants and no person got injured in the present case, the above named appellant nos. 2 & 3, 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 Exclusive Special Judge (SC/ST Act) cum Additional District & Sessions Judge, Vaishali at Hajipur in connection with Desari P.S. Case No. 267 of 2023 , subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. Accordingly, the impugned order is set aside and this appeal is partly allowed.

(Anjani Kumar Sharan, J)

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