

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.353 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- Piplawa District- Patna

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1. Raju Kumar Son Of Ashok Kumar @ Ashok Ram R/O Vill- Sahar Rampur
Ps- Piplawan Pitwas Dist- Patna
 2. Sujit Kumar Son Of Ashok Kumar @ Ashok Ram R/O Vill- Sahar Rampur
Ps- Piplawan Pitwas Dist- Patna
 3. Ashok Kumar @ Ashok Ram Son Of Ganuri Ram R/O Vill- Sahar Rampur
Ps- Piplawan Pitwas Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Paswan Son Of Manjhil Paswan R/O Vill- Sahar Rampur Ps-
Piplawan (pitwas) Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-09-2024 Learned counsel for the appellants seeks permission
to withdraw the bail application with respect to appellant no. 1,
namely, Raju Kumar.

2. Permission is accorded.

3. Accordingly, the bail application with respect to
appellant no. 1, is dismissed as withdrawn.

4. Despite filing *Vakalatnama*, no one appears on
behalf of the respondent No. 2.

5. Heard learned counsel for the appellant nos. 2 and 3
and learned Spl. Public Prosecutor appearing on behalf of the
State.



6. This appeal has been filed against the order dated 01.12.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with Piplawan (Pitwas) P.S. Case No. 16 of 2023, registered under Sections 341, 323, 324, 307, 504, 34 of the Indian Penal Code and Sections 3(1)(r) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

7. As per prosecution case, all the F.I.R. named accused persons including these appellants abused informant by caste name and assaulted him, as a result of which he sustained injury.

8. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to ulterior motive. Further submission is that specific accusation of assault with deadly weapon is against co-accused Raju Kumar. There is no specific allegation against these appellants. Case and counter case. It is not the case of prosecution that any member of the public was present at the time of incidence, as such, no offence under SC/ST Act is made out.

9. Learned Spl. Public Prosecutor for the State opposes the bail application.



10. Considering the aforesaid facts and circumstances of the case, let the **appellant nos. 2 and 3, namely, Sujit Kumar and Ashok Kumar @ Ashok Ram**, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna in connection with Piplawan (Pitwas) P.S. Case No. 16 of 2023.

11. Accordingly, the impugned order dated 01.12.2023 is set aside with respect to appellant nos. 2 and 3 only, and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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