

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.952 of 2019**

Arising Out of PS. Case No.-89 Year-2018 Thana- SIKARHATTA District- Bhojpur

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Anup Kumar S/o Ashok Kumar Singh R/o Village - Lakhmipur, P.S.- Aayar,
Dist.- Bhojpur (Ara)

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar

For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 21-05-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 30.01.2019 passed by learned 1st Addl. Sessions Judge,
Bhojpur, Ara in SC/ST Case No.350 of 2018 registered under
Sections 147, 148, 149, 307, 326, 504 and 120B of the Indian
Penal Code, Section 27 of the Arms Act and Section 3(1)(r)



(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

One Manish Mahto is said to have gunned down the son of the informant. Appellant happens to be one of the associates of Manish Mahto. He was also apprehended on the spot by the villagers.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. There is a case and counter case between the parties. No incriminating article has been recovered from the conscious physical possession of the appellant. He does not happen to be assailant. There is no overt act against the appellant. He has been languishing in custody since 28.11.2018.

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

Having regard to the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Bhojpur, Ara in connection with SC/ST Case No. 350 of 2018, Sikrahata P.S.



Case No. 89 of 2018.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
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