

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2236 of 2019**

Arising Out of PS. Case No.-527 Year-2018 Thana- SAKRA District- Muzaffarpur

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Guddu Kumar Rai Son of Kamleshwar Rai @ Kameshwar Ray Resident of
Village- Chandpur Chiknauta (Sirajabad), P.S.- Sakra, District- Muzaffarpur.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anish Kumar

For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4 26-08-2019 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

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 30.03.2019 passed by learned 11th Additional
Sessions Judge cum Special Judge SC/ST Act, Muzaffarpur in
connection with Sakra P.S. Case No. 527 of 2018 registered
under Sections 341,342,323,147,149,379,307,120(b) and 504/34
of the Indian Penal Code and Section 3(1) (r) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.



During course of proceeding to his house by the informant along with his brother Aakash Kumar, eight motorcycle borne criminals including the appellant armed with pistol and hockey stick intercepted them. Co-accused Vikash Kumar, Ankush Kumar and appellant slated and assaulted the informant by means of butt of the pistol and tried to kidnap his brother on the motorcycle but on chase given by the informant and the villagers Vikash Kumar resorted firing on his brother and dumped him from the motorcycle.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. There is no injury report in the case diary. There is no eye witness of the occurrence. The appellant does not happen to be assailant of Aakash Kumar. Appellant happens to be a student of Class-12 and has been falsely implicated in this case with ulterior motive to ruin his career. Appellant has no criminal antecedent.

On the other hand, learned counsel for the informant and learned Special P.P. for the State opposing the bail petition submitted that the appellant along with other co-



accused person started assaulting the informant on demand of money given to the co-accused Vikash Kumar for managing job to the victim, hence the appellant does not deserve bail.

In the facts and circumstances of the case, the above named appellant, in the event of his 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 11th Additional Sessions Judge cum Special Judge SC/ST Act, Muzaffarpur in connection with Sakra P.S. Case No. 527 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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