

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2591 of 2019**

Arising Out of PS. Case No.-263 Year-2018 Thana- BUNIYAD GANJ District- Gaya

Sanjay Kumar @ Rohni @ Sanjay Sahni S/o Dukhan Kewat R/o Mohalla-
Mallah Toli (Kumhartoli), P.S.- Muffasil, District- Gaya

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lakshmi Kant Sharma
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

4 06-09-2019 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 08.03.2019 passed by learned Exclusive
Special Judge (SC/ST Act), Gaya in connection with
Buniyadganj P.S. Case No.263 of 2018 registered under Section
302/34 of the Indian Penal Code, Section 27 of the Arms Act
and Section (2) (v) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.



While the informant along with his nephew and brother was regressing to his house on motorcycle 11 named accused persons including the appellant surrounded them. Co-accused Chavanni assaulted on the hand of his brother. Resultantly, he fell down from motorcycle then Tinku Singh @ Chokha resorted firing on the temple of his brother from point blank range which proved fatal. Other accused persons resorting firing made good their escape.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. He does not happen to be assailant. He was not present at the place of occurrence rather remained admitted in ANMCH, Gaya from 05.12.2018 to 09.12.2018 as he was suffering from acute diarrhoea. Appellant has no criminal antecedent.

Learned counsel for the informant and learned Spl. PP for the State opposed the prayer for 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 Exclusive Special Judge (SC/ST Act), Gaya in connection with Buniyadganj P.S. Case No.263 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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