

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2825 of 2019

Arising Out of PS. Case No.-197 Year-2019 Thana- RUPASPUR District- Patna

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Nitish Kumar Son of Vijay Kumar Rai @ Vijay Kumar Resident of Mohalla -
Rupashpur, P.S.- Rupaspur, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Mishra
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 17-07-2019 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 of anticipatory bail
vide order dated 15.05.2019 passed by learned Addl. Sessions
Judge-VIII-cum Special Judge, SC/ST Act, Patna in Rupaspur
P.S. Case No. 197 of 2019 registered under Sections 380 of the
Indian Penal Code and Section 3(i)(r)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

During the course of Tilak Ceremony of the son of
the informant, appellant along with two other accused persons
intruded into his house and committed theft of jewellery and



cash of Rs. 2,60,000/-. on spotting them, he gave them chase, however, the appellant and one co-accused, namely, Satish Kumar managed to escape slating the informant in the name of his caste while Pankaj Kmar was apprehended.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Appellant has been falsely implicated in this case. Allegation levelled against the appellant is not specific rather general and omnibus in nature. No incriminating article has been recovered from conscious physical possession of the appellant. He was not apprehended on the spot. There is no allegation of slating the informant in the specific name of his caste against the appellant. As a matter of fact, he happens to be class mate of the son of the informant and had joined Tilak Ceremeony of his son, but as there was some altercation between the elder son of the informant and appellant over serving of the food materials, appellant has been falsely implicated in this case.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a



period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VIII-cum Special Judge, SC/ST Act, Patna in Rupaspur P.S. Case No. 197 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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