

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3539 of 2019

Arising Out of PS. Case No.-291 Year-2018 Thana- PALIGANJ District- Patna

Nishant Kumar, Son of Vijay Kumar @ Balaji, resident of Village - Lalganj
Sehra, P.S.- Paliganj, District - Patna.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s : Ms. Prakritita Sharma, Advocate.

For the Respondent/s : Mrs.Usha Kumari-1, Special P.P.

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

ORAL ORDER

2 26-08-2019 Heard learned counsel for the appellant 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 11.07.2019 passed by learned Additional Sessions Judge-XIII-cum-Special Judge (SC/ST Act), Patna in connection with Paliganj P.S. Case No. 291 of 2018 registered under Sections 143, 283, 341, 323, 353 and 427 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with 4 named and 100



unnamed miscreants are said to have blocked the road, damaged the vehicles and when the informant along with police force arrived there to pacify the matter they entered into scuffle with him and also used derogative language against him.

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. There is no allegation of slating the informant in the specific name of his caste. Aforesaid allegation against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent. Similarly situated accused persons, namely, Manish Kumar @ Manish Sharma and another, Rituraj @ Rituraj Kumar and Phultun Kumar @ Raj Sharma @ Phultun have been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 01.02.2019, 04.02.2019 and 26.03.2019 passed in Cr. Appeal (SJ) Nos.4597 of 2018, 4645 of 2018 and 1019 of 2018 respectively.

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 Additional Sessions Judge-XIII-cum-Special Judge SC/ST Act, Patna in connection with Paliganj P.S. Case No. 291 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)

Trivedi/-

U		T	
---	--	---	--

