

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5563 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- KHIJARSARAI District- Gaya

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Kaila @ Kunal Kumar @ Kunal Kumar Singh, Son of Hirday Singh @
Hirdey Singh, Resident of Village - Bana, P.S.- Khizersarai, Distt.- Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Manish Kumar No2, Advocate Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-12-2019 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Appellant, in the present appeal, is challenging the order dated 14.11.2019 passed in A.B.P. No. 282 of 2019 arising out of Khizersarai P.S. Case No. 48 of 2019 registered under Sections 341, 323, 504 and 34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellant has been rejected by the learned Exclusive Special Judge, SC/ST Act, Gaya.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the



present case. It is further submitted that some small scuffle has been taken place only for sitting on the Tempo and thereafter informant with ill motive instituted the present under the SC/ST Act. No offence has been committed by the appellant as alleged by the informant, therefore, no case is made out against the appellant under the Indian Penal Code or the SC/ST Act.

Learned Spl.P.P. for the State has opposed the prayer for anticipatory bail of the appellant.

Considering the facts and circumstances of the case, wherein it appears from reading of the first information report that there had been a scuffle between the informant and the appellant who are sitting in a Tempo and that there was no premeditated fight or assault, the allegations being trivial in nature and all the offences alleged under the provisions of IPC being bailable, the impugned order dated 14.11.2019 passed in A.B.P. No. 282 of 2019 arising out of Khizersarai P.S. Case No. 48 of 2019 by learned Exclusive Special Judge, SC/ST Act, Gaya is set aside. The appeal is allowed.

Let the appellant above named, in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Khizersarai P.S. Case No. 48 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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