

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.13 of 2020

Arising Out of PS. Case No.-812 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

ANSHU KUMAR @ VISHAL KUMAR Son of Birendra Kumar Sinha
Resident of Mohalla-Ram Krishna Nagar, Sheikhpura, P.S.-Ram Krishna
Nagar, District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kaushal Kishore Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Heard the parties.

The matter relates to grant of anticipatory bail to the
appellant in connection with Ram Krishna Nagar P.S. Case No.
812 of 2019 registered for the offences under Sections 341, 323,
504/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the
SC/ST (Prevention of Atrocities) Act.

Allegedly, while the informant was going to catch the
train of Dhanbad with his relative at 10.00 P.M. in that course,
the accused persons abused calling his caste name and on



protest, he was assaulted with lathi and rod.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. General and omnibus allegation has been made against the appellant. No specific overt act is alleged against the appellant. The specific allegation is against Mithu Kumar and Sonu Kumar. The alleged occurrence has not taken place within public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 04-12-2019 passed by learned Additional District & Sessions Judge-XX-cum-Special Judge, SC/ST Act, Patna in Ram Krishna Nagar P.S. Case No. 812 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XX-cum-Special Judge, SC/ST Act, Patna in connection with Ram Krishna Nagar P.S. Case No. 812 of 2019.

(Sudhir Singh, J)

A.K.V.//-

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

