

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.912 of 2020

Arising Out of PS. Case No.-680 Year-2019 Thana- FATUA District- Patna

GAURAV KUMAR @ RADWA Son of Dablu Saw R/o Mohalla - Govindpur,
P.S. - Fatuha, Dist. - Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Goutam, Advocate.

For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-11-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual Court
proceedings.

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 10.12.2019 passed by learned Additional
Sessions Judge-VIII-cum-Special Judge SC/ST Act, Patna in
connection with Fatuha P.S. Case No. 680 of 2019 registered
under Sections 341, 323, 307, 337, 504 & 506/34 of the Indian
Penal Code, and Section 3(1) (r) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that one Golu



Kumar had given a written report before S.H.O., Fatuha, on 27.09.2019 at 15:50 hours, alleging therein, that at about 2:30 PM on 27.09.2019, there was gun firing and stone pelting over his house and before this on an earlier occasion his father sustained head injury and for that the informant had already filed a written report to S.H.O., Fatuha. It is further alleged that again all the F.I.R. named accused persons along with 20 unknown persons have pelted stones and fired gun over his house and also threatened for dire consequences when the informant came to file his written report at Fatuha Police Station.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant have been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No offence is made out against the appellant.

On the other hand, learned Special P.P. for the State vehemently opposing the prayer for bail submitted that from perusal of the case diary, it appears that witnesses, namely, Akash Kumar and Arbind Paswan have supported the prosecution case in toto, hence the appellant does not deserve



bail.

Considering the facts and circumstances of case and particular considering the criminal antecedent of the appellant, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is hereby rejected. However, the appellant is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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