

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1495 of 2020

Arising Out of PS. Case No.-86 Year-2019 Thana- KARTAHA District- Vaishali

SATYENDRA KUMAR S/o Late Raghunath Singh Resident of Village-
Kartaha Bujurg, P.O. and P.S.- Kartaha, Hajipur, Dist- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saket Anand, Advocate

For the Respondent/s : Ms. Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2020 Heard Mr. Saket Anand, learned counsel for the

appellant and Ms. Usha Kumari No.1 learned Special Public
Prosecutor appearing for the State through video
conferencing.

This appeal has been preferred on behalf of the
appellants for setting aside the order dated 01.07.2020
passed by the learned Additional Sessions Judge cum
Special Judge, SC/ST (Prevention of Atrocities) Act,
Hajipur, whereby the prayer for anticipatory bail of the
appellant in connection with Kartaha P.S. Case No. 86 of
2019 registered for the offences punishable under Sections
143, 144, 145, 186, 332, 333, 353, 307, 427, 504 of the
Indian Penal Code, Sections 3(i)(r)(s), 3(2)(v)A of



Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, has been rejected.

The allegation against the appellant as per the First Information Report lodged by ASI Shambhu Kumar is that one person, namely, Rakesh Kumar was killed by some unknown assailants near *Chandralaya* and after postmortem, dead body was kept in Middle School situated at Ghataro main road, a crowd of about 200 people stopped the traffic and State Highway No. 74, completely in protest of the said killing. It has further been alleged that 36 named accused persons and 150 unknown persons created vandalism, stopped police vehicles and started making slogans. All the accused persons called the police personnel on duty by taking their caste name and further assaulted them by means of rod, *lathi* etc., due to which, injuries were sustained by the informant and others. It has also been alleged that one person opened fire on the Police personnel but it did not hit anybody.

Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and he has not committed any offence in the manner alleged. Learned



counsel further submits that allegation against 36 named accused including 150 unknown persons are general and omnibus. There is no specific allegation against the appellant that he either assaulted anybody or called the Police personnel by taking their caste name. Learned counsel also submits that similarly situated co-accused have already been granted bail by a co-ordinate Bench of this Court vide order dated 29.01.2020 passed in Cr. Appeal(SJ) 416 of 2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record, this appeal is allowed and the impugned order dated 01.07.2020 passed by the learned Additional Sessions Judge cum Special Judge, SC/ST (Prevention of Atrocities) Act, Hajipur, in connection with Kartaha P.S. Case No. 86 of 2019, is hereby set aside.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today by the appellant, above named, he shall 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 Sessions Judge cum Special Judge,
SC/ST (Prevention of Atrocities) Act, Hajipur, in
connection with Kartaha P.S. Case No. 86 of 2019, subject
to the condition as laid down under Section 438(2) of the
Code of Criminal Procedure.

It is made clear that at the time of furnishing bails
bonds all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J)

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