

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1722 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- SIKARHATTA District- Bhojpur

PRAMOD KUMAR GUPTA S/o Kapildeo Gupta Resident of Village-Deo,
P.S-Sikarhatta, District-Bhojpur at Ara.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinay Kumar Mishra, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual court
proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic COVID-19, the matter is listed with
defects.

Learned counsel for the appellant undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

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 30.06.2020 passed by learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with Sikarhatta P.S. Case No. 41 of 2020 registered under Sections 341, 323, 507, 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that the informant Sunil Paswan Up-Sarpanch alleged in his written petition that his villager dealer Kapil Deo Gupta sell 20 liter oil as black marketing to his villager Satrudhan Sah. Then informant caught hold and snatched his oil contained. In the meantime, appellant snatched oil contained from the possession of the informant and he runs away to buyers. It is further alleged that appellant told that 'Sala Dusad Up-Sarpanch Bane Ho Tumko Jan se Mar Denge.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that date of occurrence is 23.04.2020 and FIR was lodged on 30.04.2020 after delay of seven days and there is no explanation for the said delay. He submits that there is previous land dispute and previous political dispute between the



parties. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition.

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 enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with Sikarhatta P.S. Case No. 41 of 2020, 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.

(Anjani Kumar Sharan, J)

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