

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1785 of 2020

Arising Out of PS. Case No.-108 Year-2017 Thana- ALAMGANJ District- Patna

VIKASH KUMAR @ GOPI KUMAR Son of Late Munna Ram Resident of
Gulzarbagh Railway Quarter No.13 (G), P.S.- Alamganj, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeet Kumar

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellant and Shri Vinay Krishna, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 13.08.2020 passed by the learned Additional District and Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Anticipatory Bail Petition No. 3618 of 2020 arising out of Alamganj P.S. Case No. 108 of 2017 (Special Case No. 221 of 2017), registered under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i)(x) of the SC/ST Act, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The informant is stated to be working as a clerk of the



contractor of the railway quarters situated at Gulzarbagh, Patna, who was given the contract work of repairing the railway quarters. It is further alleged that various residents of the quarters had been pressurizing the informant to perform certain repairing works and as far as the appellant herein is concerned, he is alleged to have assaulted the informant and demanded a sum of Rs. 50,000/- from him.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted by the learned counsel for the appellant, by referring to paragraph no. 13 of the present appeal, that the appellant also belongs to a member of Scheduled Caste, as such the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 are not attracted qua the appellant herein. It is further submitted that a general and omnibus allegation has been levelled against the appellant herein.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the averments made in paragraph no. 13 of the present appeal as also the fact that a general and omnibus allegation has been levelled



against the appellant herein, I deem it fit and proper to admit the appellant to the privilege of anticipatory bail.

Accordingly, the appellant, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Patna in connection with Alamganj P.S. Case No. 108 of 2017 (Special Case No. 221 of 2017) subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 13.08.2020 passed by the learned Additional District and Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Anticipatory Bail Petition No. 3618 of 2020 arising out of Alamganj P.S. Case No. 108 of 2017 (Special Case No. 221 of 2017), is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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