

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.119 of 2020

Arising Out of PS. Case No.-109 Year-2019 Thana- NALANDA District- Nalanda

1. Sanjeev Kumar Son of Vishundev Prasad @ Vishundev Yadav @ Vishnudeo Yadav Resident of Village - Mohanpur, P.S.- Nalanda, Distt - Nalanda.
2. Rajeev Kumar Son of Shukhdeo Yadav Resident of Village - Mohanpur, P.S.- Nalanda, Distt - Nalanda.
3. Mukesh Kumar Son of Girija Ram @ Girija Nandan Prasad Resident of Village - Mohanpur, P.S.- Nalanda, Distt - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar No.1
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-01-2021 Heard learned Counsel for the appellants and learned
Additional Public Prosecutor for the Stater.

Learned Counsel for the appellants informs that the appellant no. 3, Mukesh Kumar, has been arrested by the police during the pendency of this appeal and this appeal has, now, become infructuous, so far as appellant no. 3 is concerned. He, thus, seeks permission to withdraw this appeal so far as appellant no. 3 is concerned.

Permission is granted.

This appeal is dismissed as withdrawn so far as
appellant no. 3 is concerned.



This appeal will now survive only for appellant nos. 1 and 2.

An order, dated 06.12.2019 passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif, in A.B.P. No. 2924 of 2019, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Nalanda Police Station Case No. 109 of 2019 registered for the offences punishable under Sections 147/149/323/325/307/354/379/34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The prosecution case, as per the First Information Report, is that the appellants, along with other co-accused persons, 60 in numbers, surrounded and assaulted the nephew of the informant and when the informant tried to intervene in the matter, co-accused Dablu Kumar assaulted the informant by the butt of the pistol on his head.

Learned Counsel appearing on behalf of the appellant nos. 1 and 2 submits that the appellants nos. 1 and 2 have falsely been implicated in this case and there is general and omnibus



allegation against them. He further submits that the specific allegation of assault upon the informant is against co-accused Dablu kumar. He next submits that for the same occurrence, two First Information Reports have been registered by two different persons inasmuch as apart from the present First Information Report, another First Information Report has been registered, bearing SC/ST Police Station Case No. 34 of 2019. He next submits that from perusal of the First Information Report, no offence under the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is made out against the appellant nos. 1 and 2.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that no overt act has been alleged against the appellant nos. 1 and 2, I am inclined to grant the appellant nos. 1 and 2 privilege of anticipatory bail.

Accordingly, this appeal is allowed and the order, dated 06.12.2019, passed in Anticipatory Bail Petition No. 2924 of 2019, by 1st Additional Sessions Judge, Nalanda, at Biharsharif, is set aside.

Let the appellant nos. 1 and 2, namely, Sanjeev Kumar and Rajeev Kumar, in the event of their arrest or



surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Nalanda, at Biharsharif, in connection with Nalanda Police Station Case No. 109 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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