

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1157 of 2021**

Arising Out of PS. Case No.-116 Year-2020 Thana- DELHA District- Gaya

AKASH KUMAR S/O DINESH SAO @ DALLU SAO @ DINESH
KUMAR R/O MOHALLA-KALYANPUR, BARKI DELHA, P.S.-DELHA,
DISTRICT-GAYA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar- Advocate

For the Respondent/s : Ms. Usha Kumari-1- S.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

3 23-08-2021 Heard Mr. Vinod Kumar, the learned Advocate for
the appellant and Ms. Usha Kumari-1, the learned Special
Public Prosecutor for the State.

The appellant has challenged the order dated
28.08.2020 passed by the learned Special Judge, SC/ST,
Gaya in connection with Delha P. S. Case No.116 of 2020,
instituted for the offences under Sections 447, 504, 506,
290, 307, 34 of the Indian Penal Code, Section 27 of the
Arms Act and Sections 3(i)(r)/3(2)(vq) of the Scheduled
Castes & Scheduled Tribes (Prevention of Atrocities) Act,
2016, whereby their prayer for grant of anticipatory bail has
been rejected.

The accusation against the appellant and others is



of roaming around the house of the informant in a drunken state and when that was objected, a clash took place between the parties.

The learned Advocate for the appellant has submitted that there is a counter-version of the occurrence also and in the case lodged from the side of the accused persons, there is an allegation of firing at the wife of the appellant. Similar is the allegation in the subject F.I.R. in which the appellant seeks bail.

The learned Advocate for the appellant has submitted that nothing specific has been attributed against the appellant. The accusation is because of an old dispute in the village. Nobody appears to have been injured in either of the occurrence for which there is a case and counter-case.

Regard being had to the afore-stated facts and taking into account the clean antecedent of the appellant, the order dated 28.08.2020 is set aside.

The appeal stands allowed.

The appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Gaya in connection with Delha P. S. Case No.116 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

vikash/-

U		T	
---	--	---	--

