

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1249 of 2021**

Arising Out of PS. Case No.-254 Year-2020 Thana- GAYA MUFASIL District- Gaya

Amit Kumar @ Babu Bhai Son of Late Virendra Singh Resident of village-
Block No . 3 Lodipur, P.S- Mufassil, Dist- Gaya

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vasant Vikas- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-07-2021 Heard Mr. Vasant Vikas, the learned Advocate for
the appellant and Binay Krishna, the learned Special Public
Prosecutor for the State.

The appellant has challenged the order dated
12.11.2020 passed by the learned Exclusive Special Judge,
S.C./ S.T., Gaya in connection with Mufassil P. S. Case
No.254 of 2020, instituted for the offences under Sections
147, 148, 149, 307, 504, 506 of the Indian Penal Code,
Section 27 of the Arms Act and Section 3(2)(v)(a)/3(1)(r)(s)
of the Scheduled Castes & Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby their prayer for grant of
anticipatory bail has been rejected.

From the perusal of the F.I.R., it appears that two
groups were fighting amongst themselves and the informant



and his associates were caught in the cross fire and were injured by gunshot.

For the same occurrence, the agent of the appellant has also filed a case alleging that the appellant is the proprietor of an engineering company who was always subjected to extraction of illegal protection money from one Jitendra Sao @ Jitu Sao and his associates.

Nothing specific has been alleged in the subject F.I.R.

Assuming every allegations in the F.I.R. to be true, so far as the appellant is concerned, none of the offences under the I.P.C. or under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act can at all be said to have been made out. There is general allegation of fight between the two groups with respect to the marking of the boundary and delimitation.

It appears that only to feed fat the grudge of the appellant for not succumbing to demands of aforesaid Jitendra Sao that this case has been filed. It has therefore been urged on behalf of the appellant that in the event of none of the offences under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act having been



made out, the appellant deserves to be granted anticipatory bail.

For the reasons afore-noted, the order dated 12.11.2020, referred to above, 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 Exclusive Special Judge, SC/ST, Gaya in connection with Mufassil P. S. Case No.254 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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