

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.527 of 2020**

Arising Out of PS. Case No.-116 Year-2019 Thana- BUNIYAD GANJ District- Gaya

1. ASHOK KUMAR Son of Arun Prasad
2. Dharamveer Mahto @ Dharmveer Prasad @ Dharamveer Prasad Son of Ram Bhajan Prasad
Both are resident of Village - Manpur Surya Pokhar Road Pehani Koyri Tola, P.S.- Buniyadganj, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 10-03-2021 Heard both sides.

The appellants filed this appeal under Section 14(A) (2) of the S.C./S.T. Act against the order dated 16.01.2020 passed by learned Exclusive Special Judge, S.C./S.T., Gaya by which the anticipatory bail of the appellants has been rejected in Buniyaadganj P.S. Case No.116 of 2019 registered under Sections 341, 323, 308, 504 and 34 of the Indian Penal Code and under Section 3(1)(r)(s) of the S.C./S.T. Act.

The informant alleged that while his son Gautam Kumar was returning after playing cricket, Ashok Kumar and Ankit Kumar abused him only because his son came through the field. When the son of the informant objected, Ankit Kumar is



said to have assaulted Gautam Kumar with iron rod on his head causing blood oozing injury on his head. It is further alleged that thereafter, Dharamveer Mahto @ Dharmveer Prasad, Naresh Kumar and others came and assaulted the son of the informant with fists and slaps and stick. The people brought the son of the informant for treatment.

The learned counsel for the appellants submits that the occurrence took place on 02.05.2019 but the informant gave information to the police on 06.07.2019 i.e. only after more than two months from the date of occurrence. No satisfactory explanation is given in the F.I.R. It is further submitted that Ankit Kumar is said to have assaulted the son of the informant with iron rod causing injury on his head but Ankit Kumar has already been granted anticipatory bail by a Co-ordinate Bench of this Court by order dated 22.02.2021 passed in Cr. Appeal(SJ) No.1149 of 2020. The case of the appellants stands on better footing than that of Ankit Kumar.

Learned Special P.P. did not dispute this fact, however, submits that petitioner has also abused the son of the informant by naming his caste.

Taking into consideration the facts that Ankit Kumar was also alleged to have assaulted the son of the informant with



iron rod and he firstly abused the son of the informant but he has already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order passed in Cr. Appeal(SJ) No.1149 of 2020, the appeal is allowed, the order dated 16.01.2020 is set aside and let the appellants, above named, in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, S.C./S.T., Gaya in connection with Buniyaadganj P.S. Case No.116 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

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

