

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1529 of 2021**

**In
CRIMINAL MISCELLANEOUS No.20136 of 2020**

Arising Out of PS. Case No.-701 Year-2019 Thana- FATUA District- Patna

PAWAN KUMAR S/o Mahesh Yadav @ Mahesh Prasad R/o Mohalla- Noita,
P.S.- Fatuha, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Jha
For the Respondent/s : Mrs. Usha Kumari 1

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

9 15-03-2021 Heard both sides.

The appellant filed this appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) against the order dated 23.01.2020 passed by the learned Additional Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in ABP No. 646/2020 by which the learned Special Judge rejected the prayer for anticipatory bail of the appellant in Fatuha P.S. case No. 701/2019 registered under Section 147, 148, 149, 341, 324, 342, 323, 307, 353, 333, 120B, 504 of the IPC, u/s 25(1-b) a/ 26/35 of Arms Act and u/s 3 (1) (r) (s) of SC/ ST Act and for grant of anticipatory bail.

The informant, a police officer, in sum and substance alleged that while he was returning after immersion of goddess



Durga idol and reached near Mahadeo Sthan some miscreants came and tried to disturb the procession. The miscreants were armed with pistol and different weapons and they abused the informant by naming his caste. They also assaulted the informant but in the meantime police patrolling also came and they saved the life of informant. One person, namely, Rajnish @ Tulla was apprehended and he disclosed the name of 12 others, including the appellant, Pawan Kumar.

The learned counsel for the appellant submits that appellant was not apprehended on the spot. Name of the appellant surfaced in the case in the so called disclosure made by Rajnish @ Tulla before the police. Similarly situated accused Bittu Kumar has been granted anticipatory bail vide order dated 06.07.2020 passed in Cr. Appeal (SJ) No. 1376/2020. Co-accused, Juley @ Ravish @ Juli has also been granted anticipatory bail vide order dated 26.11.2019 passed in Cr. Appeal (SJ) No. 5153/2019.

The learned Spl. P. P. did not dispute the facts.

Taking into consideration the facts that name of the appellant surfaced in the case in the disclosure made by Rajnish @ Tulla and similarly situated accuse Bittu Kumar and Juley @ Ravish @ Juli have already been granted anticipatory bail, I find



that the appellant also deserves anticipatory bail. Accordingly, this appeal is allowed and the impugned order dated 23.01.2020 passed by the learned Additional Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in ABP No. 646/2020 is set aside. The appellant, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in connection with Fatuha P.S. case No. 701/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Let the injury report be handed over to Mrs. Usha Kumari, the learned Spl. P. P. so that the I.O. may take the same from the learned Spl. P. P. and to incorporate the same in the charge sheet.

(Prabhat Kumar Jha, J)

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