

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1149 of 2020

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

ANKIT KUMAR @ ANKIT ARYAN, Male, aged 22 years, Son of Shiv Kumar Prasad, Resident of Village - Manpur Surya Pokha Road Pehani Koyri Tola, P.S. - Buniyadganj, District - Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Ashok Kumar, Advocate.

For the Respondent : Mrs.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021 Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellant in connection with Buniyadganj P.S. Case No. 116/2019, registered for the offences under Sections 341, 323, 308, 504/34 of the I.P.C. and 3(1) (r)(s) of the SC/ST Act.

The prosecution case, in short, is that on 02.05.2019 at about 6.30 P.M., the informant's son was returning after playing *Cricket* and in the meantime, he was abused by other accused persons saying that being a *chamar* he was crossing their field to which the informant's son objected. The petitioner alongwith others also came there and assaulted him with *Lathi*, *Danda*, fists and slaps and on raising alarm, villagers came there and then the accused persons alongwith the petitioner fled away.



It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. The appellant has falsely been implicated in the present case for ulterior motive. There is no allegation of tampering with the witnesses alleged against him. General and omnibus allegation has been made against the appellant. No specific overt act is alleged against the appellant. The alleged occurrence is said to have taken place on 02.05.2019 and the case was instituted on 06.07.2019. Delay has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 27.01.2020, passed by learned Exclusive Special Judge, SC/ST Gaya, in A.B.P. No. 24 of 2020, in connection with Buniyadganj P.S. Case No. 116/2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail



on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Gaya, in connection with Buniyadganj P.S. Case No. 116/2019.

(Sudhir Singh, J)

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