

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3228 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- KHIRI MORE District- Patna

NITISH KUMAR S/O SAHJANAND SINGH @ SAHJANAND PRASAD
SINGH Resident of Kodhe Kudha, P.S.- Khirimor, District- Patna

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-10-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office, within a
period of eight weeks.

Counsel for the appellant is permitted to make
necessary correction in paragraph 1 of the present appeal.

The appellant has challenged the order dated
24.06.2021 passed by learned A.D.J. III-cum-Special Judge,
SC/ST Act, Patna in connection with Khirimore P.S. case No.53
of 2020 registered for the offences under Sections 147, 149,
341, 323, 354, 353, 186, 269, 270, 271, 427, 120(B) of the
Indian Penal Code and Section 3 of Mahamari Act and Section 3
of Prevention of Damage to Public Property Act and Sections



3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that the accused persons including the appellant assaulted the employees, who were deputed in the quarantine centre and abused the female staff by their caste name and also damaged the government properties and raised slogans against the administration.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. General and omnibus allegation has been made. No specific overt act is alleged against the appellant. The alleged occurrence has not taken place within public view. Hence no offence under the 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.

Considering the aforesaid facts and circumstances, the order dated 24.06.2021, passed by the learned A.D.J. III-cum-Special Judge, SC/ST Act, Patna in connection with Khirimore



P.S. case No.53 of 2020, is set aside.

Let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. III-cum-Special Judge, SC/ST Act, Patna in connection with Khirimore P.S. case No.53 of 2020.

The criminal appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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