

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.276 of 2021**

Arising Out of PS. Case No.-39 Year-2020 Thana- NAYAGAON District- Begusarai

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AVINASH KUMAR @ ABHINASH KUMAR KUMAR @ ABHINASH
KUMAR S/o Pawan Kumar R/o village- Mahmadpur Gautam, P.S.-
Nayagaon in the district of Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Kumar

For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 25-06-2021 Heard Mr. Sunil Kumar, learned counsel for the

appellant and Mr. Sadanand Paswan, learned Special Public

Prosecutor for the State.

This appeal is directed against the order dated

06.10.2020 passed by the learned Special Judge SC/ST

(POA) Act, Begusarai in A.B.A. No. 1139 of 2020 arising

out of Nayagaon P.S. Case No. 39 of 2020, whereby the

prayer made on behalf of the appellant for grant of

anticipatory bail for the offences under Sections 147, 148,

149, 341, 323, 385, 307 and 379 of the Indian Penal Code,

Section 27 of the Arms Act and under Section 3(1)(r)(s) of

SC/ST (POA) Act has been rejected.



The brother of the informant was abused and fired at. Several persons of the village have been made accused in this case.

It has been urged on behalf of the appellant that though the appellant has been named in the F.I.R. nothing specific has been alleged against him. It has further been submitted that the appellant is a student of M.B.A. and was not even present in the village when the occurrence is said to have taken place. Learned counsel for the appellant has also submitted that the real dispute lies somewhere else and the charges under SC/ST (POA) Act have been incorporated in the F.I.R. only to give the case a serious colour. Learned counsel for the appellant, therefore, submits that no offence under anyone of the provisions of the SC/ST (POA) Act, can at all be said to have been made out against the appellant.

Considering the afore-noted arguments on behalf of the appellant, this appeal is allowed.

The order dated 06.10.2020 passed by the learned Special Judge SC/ST (POA) Act, Begusarai is set aside.



The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Begusarai in connection with Nayagaon P.S. Case No. 39 of 2020.

(Ashutosh Kumar, J)

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