

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.215 of 2021**

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

SAKET KUMAR Son of Aniruddh Singh @ Anirudra Singh @ Anirudha Singh Resident of Village - Gorgama, P.S.- Nayagaon, District - Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 16-08-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellant in connection with a case registered for the offences under Sections 147, 148, 149, 341, 323, 385, 307, 379 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that co-accused Poshan Singh shot fire, which hit left hand of informant's brother, namely, Suman Kumar and co-accused Kanhaiya Kumar shot fire, which hit over right hand of Arjun Mahto and



the appellant snatched golden chain worth Rs.80,000/- from the neck of Suman Kumar and the accused persons also abused the informant's brother by taking his caste name.

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. Specific allegation of assault is alleged against the co-accused Poshan Singh and Kanhaiya Kumar. So far the appellant is concerned, there is no allegation of assault alleged against him. Altogether 11 named persons along with 10-15 unknown persons have been made accused in the present case. 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.

In view of the aforesaid facts and circumstances, the order dated 06.10.2020, passed by the learned Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, Begusarai vide A.B.P. No.1092 of 2020 in connection with Nayagoan P.S. case No.39 of 2020, is set aside. The criminal



appeal is allowed.

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 his personal bond to the satisfaction of learned Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, Begusarai in connection with Nayagoan P.S. case No.39 of 2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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