

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.871 of 2021**

Arising Out of PS. Case No.-122 Year-2020 Thana- THAWE District- Gopalganj

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Anshu Prasad @ Anshu Kumar S/O Ram Paras Prasad @ Ram Paras Bhagat
R/O Village Gopalpur, P.S-Thawe, District-Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Rajesh Ranjan, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan Spl PP
For the informant	:	Mr. Dhramveer, Adv

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT**

Date : 19-03-2021

Heard learned counsel for appellant, informant and learned Spl. PP for the State.

2. Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.

3. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail vide order dated 02/12/2020 passed by learned Additional District and Sessions Judge 1st cum- special judge SC/St Act, Gopalganj in Thawe PS Case No. 122 of 2020, Trial no. 94 of 2020, registered under Sections 147, 148, 149, 341, 323, 307, 504, 506 and 325 of the Indian Penal Code, Sections 3 (1)(r)(s)/ 3(2)(v) of the SC/ST Act.

4. Infuriated by alleged demand of wages by the informant's husband the co-accused, namely Hari Kishore Prasad



has allegedly abused her husband by caste name and also assaulted by 'lathi' on his head. The First Information report further discloses that other persons who have gone to intervene have also been assaulted by the other co-accused persons, including the appellant.

5. The learned counsel appearing for the appellant submits that the appellant is similarly situated as Suresh Prasad, against whom, also there is general and omnibus allegation of assault by various means, on other co-accused persons. The postmortem report does not corroborate the allegation in the First Information report as only one injury has been found on the head of the victim that also at best can be attributed against co-accused, namely, Hari Kishore Prasad. The instant appellant has no criminal antecedents and it is submitted that, under such circumstance, the appellant is in custody since 13.11.2020 whereas the co-accused Suresh Prasad has been allowed bail in Cr. Appeal (SJ) No. 1520 of 2021. The other co-accused persons, namely, Ashok Prasad has also been allowed bail in Cr. Appeal (SJ) No 204 of 2021.

6. The learned Spl. PP and informant have opposed the prayer for bail. It is submitted that specific assault has been attributed against the appellant.

7. Considering the rival submissions, this appeal is allowed. The impugned order dated order dated 02/12/2020 passed by learned Additional District and Sessions Judge 1st -cum-Special Judge SC/St Act, Gopalganj in Thawe PS Case No. 122 of 2020, Trial no. 94 of 2020, is set aside. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions



Judge 1st cum Special Judge SC/St Act, Gopalganj, in Thawe PS Case No. 122 of 2020, Trial no. 94 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.03.2021
Transmission Date	23.03.2021

