

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.935 of 2021**

Arising Out of PS. Case No.-313 Year-2017 Thana- KADAMKUAN District- Patna

MANISH KUMAR @ ABHISHEK KUMAR S/o Vimal Yadav Resident of
East Lohanipur, Ambedkar Colony, P.S.- Kadamkuan, Distt- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kameshwar Singh, Adv.
For the Respondent/s : Mr. S.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 29-10-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through Video
Conferencing.

This appeal under Section 14A(2) of the Scheduled
Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989
has been directed against the order dated 07.12.2020 passed in
A.B.P. No.4822 of 2020 by learned A.D.J.-III -cum- Special Judge,
SC/ST Act, Patna in connection with Kadamkuan P.S. Case No. 313
of 2017 registered under Sections 341, 323, 379, 504 and 34 of
the Indian Penal Code and Section 3(1)(5) of SC/ST (POA) Act,
whereby the prayer for pre-arrest bail of the appellant has been
rejected.

According to the prosecution, while the informant
was engaged in construction of his maternal father's house, one



Suresh Yadav along with his son came there and started abusing him by his caste name and brutally assaulted him and also snatched his four thousand rupees.

Learned counsel appearing for the appellant submits that the appellant is innocent and has not committed any offence. In fact, the appellant is said to be a student and has falsely been implicated in this case. This case is nothing but a counter blast of Kadamkuan P.S. Case No. 312 of 2017 lodged by one Suresh Prasad on 24.07.2017 under Sections 341, 323, 379, 504 and 34 of the I.P.C. As a matter of fact, the construction work in question for which the entire occurrence took place has been stopped by the order of Vigilance Officer, Patna Municipal Corporation. Moreover, the co-accused, Suresh Prasad and Gopal Krishna, have already been granted anticipatory bail vide order dated 10.04.2018 passed in Cr. Appeal (S.J.) No. 3292 of 2017 by a co-ordinate Bench of this Court. Hence, the appellant, who is of clean antecedent, may be granted the privilege of pre-arrest bail.

Learned Special Public Prosecutor for the State vehemently opposed the prayer for pre-arrest bail of the appellant. He, however, submits that two other co-accused of this case have been granted pre-arrest bail by a co-ordinate Bench of this Court.

Considering the facts and circumstances of the case, let the above named appellant in the event of their arrest or



surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Addtional District and Sessions Judge-III -cum- Special Judge, SC/ST, Patna in connection with Kadamkuan P.S. Case No. 313 of 2017 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The impugned order dated 07.12.2020 passed in A.B.P. No. 4822 of 2020 by the learned A.D.J.-III -cum- Special Judge, SC/ST, Patna is set aside. Accordingly, this appeal is allowed.

(Rajesh Kumar Verma, J)

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