

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1084 of 2021

Arising Out of PS. Case No.-289 Year-2015 Thana- DANAPUR District- Patna

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KUNAL KUMAR @ KUNAL KISHORE S/o Pramod Singh @ Pramod
Kumar Resident of Pipa Pul Pethiya Bazar Danapur, P.S.- Danapur, Distt.-
Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Hemant Kumar

For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 07-07-2022 Heard learned counsel for the appellant.

Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 08.12.2020,
passed by the learned A.D.J.III-cum-Special Judge (SC/ST Act),
Patna, registered for the offences punishable under Sections
386, 307, 34 of the Indian Penal Code, Section 27 of the Arms
Act and Section 3(ii)(v) of the SC and ST (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of the
appellant has been rejected.



As per allegation, the appellant and other accused persons demanded ransom from the informant. Co-accused Rahul Kumar and Shubham Kumar fired shot on the informant. When the father of the informant came to rescue him, the present appellant and co-accused Nunu fired on him.

Learned counsel for the appellant has submitted that he is innocent and has falsely been implicated. There is allegation against co-accused Rahu kumar and Shubham Kumar who opened fire on the informant, but abrasions are found on the person of Kundan Choudhary, which falsifies the allegation. There is no injury report of father of the informant. As such, the allegation against the appellant that he opened fire on the person of father of the informant is false. He has submitted further that when the informant realized the fact, he compromised the case.

The learned counsel for the informant has also submitted that when the informant realized the real fact, he compromised the case.

Considering the above facts and circumstances, the provisions of SC/ST Act are not attracted *prima facie* in this case. Accordingly the appeal is allowed and the impugned order dated dated 08.12.2020, passed by the learned A.D.J.III-cum-Special Judge (SC/ST Act), Patna is set aside.



Accordingly, in the event of arrest or surrender within four weeks from today, the appellant, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(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 Danapur P.S.Case No. 289 of 2015.

Office shall ensure that all the defects are removed by the appellant within the stipulated time hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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