

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.338 of 2022**

Arising Out of PS. Case No.-182 Year-2021 Thana- DELHA District- Gaya

NIKHIL KUMAR Son of Ramashankar @ Ramshanker Prasad Resident of
Village - Powerganj, P.s.- Delha, Distt.- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 23-11-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 21.10.2021 passed by the learned SC/ST Court Gaya in connection with Delha P.S. Case No. 182 of 2021 registered under Sections 147, 148, 341, 323, 308 and 504 of the Indian Penal Code, Section 27 of Arms Act, 1959 and Section 3(i)(r)(s) and 3(2)(v-a) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant



alleges that appellant assaulted him by butt of gun, thereafter his named associates, also assaulted him with lathi and iron rod and abused him by his caste name and petitioner fired but informant saved himself.

Learned counsel for the appellant submits that from bare perusal of allegation as alleged in the FIR, it would manifest that the allegations of assault and abuse are cryptic and vague, it is next submitted that the FIR does not even remotely suggest that the occurrence was witnessed by any one, further the allegation of firing is ornamental as informant was not injured.

Learned Spl.P.P. for the State opposes the prayer for anticipatory bail of the appellant.

Considering the submissions made by the learned counsel for the appellant, the order dated 21.10.2021 passed by the learned SC/ST Court Gaya in connection with Delha P.S. Case No. 182 of 2021 is hereby set aside and the appellant above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the



case is pending/successor court in connection with Delha P.S.
Case No. 182 of 2021 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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