

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2431 of 2022

Arising Out of PS. Case No.-503 Year-2019 Thana- ATRI District- Gaya

PREM KUMAR S/O NANDKISHORE SINGH @NANDU MANJHI R/o
village- Tetuatanrpar, P.S.- Atri, District- Gaya, Bihar

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brijeshwar Narayan Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(a)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 09.10.2020 passed by learned court of Exclusive Special Judge, SC/ST, Gaya in connection with Atri P.S. Case No. 503 of 2019 registered under Sections 448, 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(1)



(r)(s)(u) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. They have been falsely implicated in the case. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. The appellant is also belongs to the SC & ST community, hence no offence under SC/ST Act is made out against the appellant. There is no allegation of abusing the informant by taking his caste name. There is a money transaction dispute between the father of the informant and the appellant. Appellant has no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Judge, SC/ST, Gaya in connection with Atri



P.S. Case No. 503 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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