

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2484 of 2021

Arising Out of PS. Case No.-65 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Pankaj Kumar Son of Ram Pravesh Paswan R/o Village- Bagha, Ward No. 24,
P.S.- Town Begusarai, Distt.- Begusarai.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nakul Kumar Jamuar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-04-2022 Heard learned counsel for the appellant and learned
Special 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 of anticipatory bail vide order dated 23.03.2021, passed by learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Begusarai Town P.S. Case No.65 of 2021, registered under Sections 341, 147, 148, 149, 307, 353 of the Indian Penal Code and Sections 3 (i), (r), 3(2V) of the SC/ST (POA) Act.

The appellant along with other co-accused persons are said to have assaulted the informant and tried to snatch his arms.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the learned court below has not



considered the fact that the appellant is a also a member of Scheduled Caste, therefore, no case is made out under SC/ST Act. It is also submitted that there is general and omnibus allegation against the appellant. The occurrence took place on 21.01.2021, but the FIR was lodged on 23.01.2021 after delay of two days.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Taking into consideration the facts that the appellant is also a member of Scheduled Caste and the FIR was lodged after delay of two days, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released 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 Special Judge, SC/ST (POA) Act, Begusarai in connection with Begusarai Town P.S. Case No.65 of 2021, subject to the conditions 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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