

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1624 of 2022**

Arising Out of PS. Case No.-119 Year-2020 Thana- DANIYAWAN District- Patna

BIKKI PASWAN @ BIKKI KUMAR Son of Late Naresh Paswan Resident of
Village - Faridpur, P.S. - Daniyawan, District - Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Giridhar Gopal Tiwary, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 04-08-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant is directed to remove the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated 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 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 07.12.2021, passed by learned ADJ-III-cum-Special Judge SC/ST, Patna, in connection with Daniyanwa P.S. Case No.119 of 2020, registered under sections 147/148/149/302/120B of the IPC, sections 3(1)(r)(s) / 3(2)(Va) of the SC/ST Act and section



27 of the Arms Act.

Allegedly, all the FIR named accused persons under a conspiracy have fired upon the brother of the informant, due to which he died.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as the appellant and informant belongs to the same caste. It is submitted that there is general and omnibus allegation against the appellant. The specific overt act is against the co-accused Dayanand Sao to fire upon the deceased. Appellant has no criminal antecedent.

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

Since, no SC/ST Act is applicable against the appellant as both appellant and informant belongs to the same caste, hence, no notice is required to be issued upon the informant.

Considering the facts and circumstances of the case, since there is no specific overt act against the appellant, the appellant named above, in the event of his arrest or surrender before the



learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge SC/ST, Patna, in connection with Daniyanwa P.S. Case No.119 of 2020, 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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