

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1955 of 2022

Arising Out of PS. Case No.-338 Year-2021 Thana- NAVINAGAR District- Aurangabad

Ankit Kumar Singh Son Of Pancham Singh R/O Village- Janakpur Pokhara,
P.S.- Nabinagar, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Das Son Of Late Lalchand Das R/O Village- Das Mohalla, P.S.-
Nabinagar, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramendra Kumar Singh, Advocate
For the Respondent/s : Mr.Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-12-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the appellant and learned Spl.P.P. for the State.

It appears from the office note dated 30.11.2022, notice has validly been served upon respondent No.2 but no one appears for respondent No.2.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 29.03.2022 in A.B.P. No.400 of 2022 passed by



the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Aurangabad in connection with Nabinagar P.S.Case No. 338 of 2021 registered under Sections 341,323,504, 379,307, 34 of the Indian Penal Code and Section 27 of Arms Act and Sections 3(i)(r)(s)/ 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act.

The prosecution case, in short, is that the informant alleged that on 23.12.2021 the informant was in collection of dues amount then the accused persons armed with lathi weapon came there and the co-accused Abhimanyu Kumar Singh and co-accused Ujjwal Kumar started firing on informant and abusing with caste name Harijan chamar. The accused persons threaten to withdraw the previous case. Informant called police who came and seized empty cartridge. It is further alleged that co-accused Ujjwal snatched Rs.9,000/- from the informant.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Further submits that from perusal of the FIR it appears that there is no allegation of assault or firing attributed against the appellant and there is allegation of firing attributed against co-accused persons, namely, Abhimanyu Kumar Singh and Ujjwal Kumar as alleged in the FIR and also they abused the



informant and allegation of abuse is not against the present appellant and no case is made out against the appellant under the SC/ST Act.

The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellant and submits that the appellant carries one more case other than the present one.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

Hence, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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