

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3129 of 2021**

Arising Out of PS. Case No.-25 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

AWADHESH GUPTA Son of Sheo Pujan Sah Resident of Village -
Budawalia, P.S.- Bhabua, Distt.- Kaimur (Bhabua).

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajwanti Kuer wife of Late Murahu Paswan Resident of village- Budwalia,
P.S.- Bhabua, District- Kaimur (Bhabua)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Sunil, Adv.

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

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

5 23-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In view of order dated 17.10.2022, appellant has filed a jointness petition, stating therein at para-6 that son of the informant, who has received the notice is living in jointness with the respondent no.2.

Accordingly, the notice is considered to be validly served but despite valid service of notice, nobody enters appearance on behalf of the respondent no.2.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against



the refusal of prayer for anticipatory bail vide order dated 08.07.2020, passed by learned 1st Additional District and Sessions Judge-cum- Spl. Judge, Kaimur (Bhabhua), in connection with Bhabhua SC/ST P.S. Case No.25 of 2020, registered under sections 341, 323, 379, 147, 148, 149, 504, 506 of the IPC and sections 3(I)(r)(s)(w)/3(2)(va) of the SC/ST Act.

Allegation against the appellant is that he in association with other accused persons abused and assaulted the informant's side by means of various weapons.

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 stated that no offence under SC/ST Act is made out against the appellant as there is no specific allegation against him to abuse the informant by taking caste name. Neither there is any specific allegation against the appellant to assault the informant's side. The injuries are simple in nature. Appellant has no criminal antecedent and similarly situated co-accused Harsh Gupta has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 03.12.2020 passed in Cr. Appeal (SJ) No.1814 of 2020.



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

Considering the facts and circumstances of the case, since similarly situated co-accused has been granted bail, 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 1st Additional District and Sessions Judge-cum- Spl. Judge, Kaimur (Bhabhua), in connection with Bhabhua SC/ST P.S. Case No.25 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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