

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2599 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

1. GUDDU KUMAR @ ABHAY KUMAR Son of Uma Shankar Rai Resident of Village - Kuari Buzurg, P.s.- Ganga Bridge, District - Vaishali.
2. paritosh Kumar @ Banti Son of Santosh Rai @ Santosh Singh Resident of Village - Kuari Buzurg, P.s.- Ganga Bridge, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishwajeet Das Son of Arun Das Resident of Village - Hilalpur, P.S.- Industrial Area, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arjun Prasad, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-11-2022 Heard learned counsel for the appellants and learned
Spl. 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 for anticipatory bail vide order dated 14.07.2022 in A.B.P. No. 2134 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Vaishali in connection with Industrial Area P.S. Case No. 41 of 2022 registered for the offences punishable under Sections 447, 341, 323, 504, 506, 34 and 379 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST



Act.

The informant alleges that on 23.02.2022, the appellants came to his house and assaulted and abused him, further again on 25.02.2022, they came to his shop and assaulted by fist and leg causing injury on head and took out Rs. 1100/- from his shop.

Learned counsel for the appellants submits that appellant no. 1 is a person with clean antecedent and appellant no. 2 has antecedent of one case and is a young boy of 18 years of age, it is next submitted that appellants have been falsely implicated in the present case, it is further submitted that from perusal of the allegation as alleged in the FIR it would manifest that the same is general and omnibus in nature and the FIR also does not even remotely suggest that the occurrence was witnessed by any witnesses thus the occurrence was not committed in public view and as far as allegation of taking Rs. 1100/- from the shop of the informant is alleged the same is ornamental in nature. Learned counsel also submits that appellant no. 2 is a young boy of 18 years of age and in the event, if he sent to judicial custody based on such general and omnibus allegation his entire career would get jeopardized and chances are bright that he may come in contact with hardened



criminals.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 14.07.2022 in A.B.P. No. 2134 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Vaishali in connection with Industrial Area P.S. Case No. 41 of 2022 is hereby set aside and the 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 anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Industrial Area P.S. Case No. 41 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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