

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.158 of 2021**

Arising Out of PS. Case No.-224 Year-2019 Thana- DELHA District- Gaya

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1. PRINCE KAHAR Son of Anil Kumar @ Anil Kahar Resident of Mohalla - Kalyanpur (Barki Delha), P.S.- Delha, District - Gaya.
 2. Chinti @ Rohit Kumar Son of Anil Kumar @ Anil Kahar Resident of Mohalla - Kalyanpur (Barki Delha), P.S.- Delha, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Khatik Manjhi Late Ramavtar Manjhi Resident of Mohalla-Barki Delha, Paraiya Road (Bhui Toli) P.S. and P.O.-Delha, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.N. A. Shamsi, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Vishwa Ranjan Choudhary, Advocate

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

5 18-05-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the



refusal of prayer for anticipatory bail vide order dated 05.03.2020, passed by learned Spl. Judge, SC/ST Act, Gaya, in connection with Delha P.S. Case No.224 of 2019, registered under sections 302/34 of the IPC and sections 3(2)(v) of the SC/ST Act.

Allegedly, the son of the informant has been killed by the F.I.R. named accused persons including the appellants.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is stated that informant is not the eye-witness of the occurrence. There is no specific allegation against the appellants rather the allegations are general and omnibus in nature. It is further submitted that no case under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view. Appellants have no criminal antecedent and similarly situated co-accused namely Munna Kumar @ Munna Yadav has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.02.2020 passed in Cr. Appeal (SJ) No.5408 of 2019.

Learned Spl. PP for the State as well as learned counsel



for the informant opposed the prayer for anticipatory bail by submitting that the appellants are also involved in the alleged occurrence but have not disputed the fact that similarly situated co-accused has been granted anticipatory bail.

Considering the facts and circumstances of the case, since there is no specific allegation against the appellants, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Spl. Judge, SC/ST Act, Gaya, in connection with Delha P.S. Case No.224 of 2019, 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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