

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.168 of 2021**

Arising Out of PS. Case No.-244 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

Bhanu Pratap Singh S/O Ram Dayal Singh R/O Village-Eroua, P.S.-
UDWANT Nagar, District-Bhojpur At Ara.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Pratap Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

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

4 03-01-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 10.10.2020, passed by learned 1st Additional Sessions Judge, Bhojpur Ara in connection with SC/ST Case No. 173 of 2020 arising out of Udwant Nagar P.S. Case No. 244 of 2020, registered under sections 302, 34 of the IPC, Section 27 of the Arms Act and Sections 3(1)/3 (2)(V) of SC/ST Act.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that there is no specific allegation against appellant rather allegation levelled against the appellant is general and



omnibus. He submits that specific allegation is upon co-accused Kamlesh Ojha who fired on the deceased. There is no specific allegation against the appellant to abuse the informant or his family member by taking caste name. He submits that appellant has no criminal antecedent as stated in para-3 of this application.

Learned Spl. PP for the State and informant oppose the prayer for bail and submit that two photocopies of the case diary are available on record. In para-13 and 14 of the both case diary are different. There are six injury report annexed with the case diary also supports the case of the prosecution.

Considering the facts and circumstances of the case and the fact that there is specific allegation upon co-accused Kamlesh Ojha, the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur Ara in connection with SC/ST Case No. 173 of 2020 arising out of Udwant Nagar P.S. Case No. 244 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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