

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.518 of 2021**

Arising Out of PS. Case No.-184 Year-2020 Thana- BELHAR District- Banka

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GUDDU KUMAR SINGH @ GUDDU SINGH Son of Shambhu Singh
Resident of Village- Bela, P.S.- Belhar, District- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shankar Paswan Late Baleshwar Paswan R/v Barhara , P.S Belhar, Dist-
Banka

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Brij Nandad Prasad, Adv.
For the Respondent/s : Mrs.Usha Kumari No.1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-07-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. Despite valid service of
notice, nobody appears on behalf of the respondent no.2.

Learned counsel for the appellant undertakes to remove
the defects within three weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

This is an appeal under section 14A(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
09.09.2020, passed by learned Additional Sessions Judge-I,-



cum- Spl. Judge, SC/ST, Banka, in connection with Belhar P.S. Case No.184 of 2020, registered under sections 341, 323/34 of the IPC and sections 3(i)(r) of the SC/ST Act.

Allegedly, the appellant has given lathi blow on the head of the informant, due to which he fell down.

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 submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence has not taken place in the public view and there is no specific allegation to abuse the informant is alleged against the appellant. Appellant has no criminal antecedent.

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

Considering that there is no specific overt act against the appellant to abuse the informant by taking caste name, 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)



each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I,-cum- Spl. Judge, SC/ST, Banka, in connection with Belhar P.S. Case No.184 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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