

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4352 of 2021

Arising Out of PS. Case No.-315 Year-2020 Thana- ATRI District- Gaya

NITISH KUMAR Son of Bijay Yadav Resident of Village - Sukhe Bigha,
P.S.- Atri, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-01-2022 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, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 20.07.2021 passed by the Exclusive Special Judge (SC/ST Act), Gaya in connection with Atri P.S. Case No. 315 of 2020 registered under Sections 147, 148, 149, 341, 323, 342, 302, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was regressing to home from market, on the way, all the FIR named accused persons



including this appellant are said to have started abusing and assaulting him with slaps and tied him with electric pole and assaulted with lathi and danda. When the grandmother of the informant rushed in his rescue she was also assaulted by the accused persons due to which she died on the spot.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. No offence under SC/ST Act is made out against the appellant. There is inordinate delay of one day in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Several similarly situated co-accused have been enlarged on bail by this Court as well as co-ordinate Bench of this Court. Appellant has no criminal antecedent and has been languishing in custody since 13.06.2021.

As prima facie no case is made out against the appellant under the provisions of SC/ST Act, hence there is no need to issue notice to informant.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released 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 Exclusive Special Judge (SC/ST Act), Gaya in connection with Atri P.S. Case No.315 of 2020.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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