

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4419 of 2021**

Arising Out of PS. Case No.-103 Year-2021 Thana- GAYA MUFASIL District- Gaya

ANAND KUMAR @ ANAND KUNAL S/o Satendra Singh R/o Village-
Amrit Bigha/Baradih, Rasalpur, P.S.- Muffasil, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 19-10-2022 Heard learned counsel for the appellant 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 09.09.2021 in A.B.P. No. 2127/2021, 100/2021 passed by the learned Special Judge S.C./S.T. (POA) Act, Gaya in connection with Muffashil P.S. Case No. 103 of 2021 registered for the offences punishable under Sections 147, 148, 149, 447, 506 and 307 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act and Section 27 of Arms Act.

The informant alleges that on account of dispute



relating to sitting arrangement in an examination hall between Amit Kumar and informant, he was threatened by Amit Kumar, thereafter, it is alleged that after examination this appellant identified the house of the informant to Amit Kumar and Amit Kumar started firing.

Learned counsel for the appellant submits that appellant has antecedent of two cases and has been falsely implicated in the present case, it is next submitted that he is not alleged to have fired, the allegation of firing is against Amit Kumar. Learned counsel next submits that it absolutely does not stand to reason that as to why the appellant would have involved himself in the occurrence when admittedly the dispute was between Amit and the informant, it is also submitted that the FIR also does not disclose that appellant was known to Amit.

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

In view of the submissions made by the learned counsel for the appellant, the order dated 09.09.2021 in A.B.P. No. 2127/2021, 100/2021 passed by the learned Special Judge S.C./S.T. (POA) Act, Gaya in connection with Muffashil P.S. Case No. 103 of 2021 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. 10,000/- (Rupees Ten 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 Muffashil P.S. Case No. 103 of 2021 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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