

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4532 of 2021

Arising Out of PS. Case No.-171 Year-2021 Thana- GAURICHAK District- Patna

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1. VIKKY KUMAR Son of Ramanand Rai Resident of Laxmi Tola, P.S. Gaurichak, District - Patna.
 2. Ravi Kumar (Bhagina of the Vikky Kumar) Son of Sundar Rai Resident of Zero Mile Pahari, Paizaba, P.S. - Bypass, District - Patna, at present Laxmi Tola, P.S. Gaurichak, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Madan Paswan son of late Shiv Baran Paswan resident of village- Udaypur, P.S.- Gaurichak, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gajanan Mishra. Adv
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.PP
		Mr. Vijay Anand, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2022 Heard the parties.

Vide order dated 12.07.2022, the appeal as against appellant no.1 was dismissed as withdrawn.

Now, this appeal is being heard with regard to appellant no.2 only.

Learned counsel for the appellant is directed to remove the defects within four weeks.

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 of anticipatory bail vide order dated 21.09.2022 passed by learned Special Judge, SC/ST Act, Patna in connection with Gaurichak P.S. Case No.171 of 2021 registered under Sections 147, 149, 341, 323, 504, 307, 324, 354, 379, 50 of the Indian Penal Code and Section 3(i) (r) (s)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and 27 of Arms Act.

Allegedly, the appellant alongwith all other accused persons abused the informant's side by taking caste name. On protest, the accused persons assaulted them.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellant has no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail and submits



that there is specific allegation of firing upon the injured person against the appellant and the injuries sustained are also found to be grievous.

Considering the facts and circumstances of the case, since the injuries are grievous in nature, I am not inclined to grant anticipatory bail to the appellant. The prayer for grant of bail on his behalf is hereby reject.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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