

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4866 of 2021**

Arising Out of PS. Case No.-427 Year-2021 Thana- TEKARI District- Gaya

Gunjan Kumar S/O Shri Ramu Yadav Resident Of Village- Paluhar, P.S.-
Tekari, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bibha Kumari Shri Shankar Paswan Resident of Village-Paluhar, P.S.-
Tekari, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vaishnavi Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-12-2022 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

In pursuance to the order dated 23.11.2022, jointness
petition has been filed by the appellant in which it is stated that
the respondent no. 2 and her father are living jointly in the same
joint family house.

Considering the fact aforesaid, notice issued to the
respondent no. 2 is treated to be validly served upon the
respondent no. 2.

Learned counsel for the appellant undertakes to
remove the defects, if any, as pointed out by the office within
three 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 for anticipatory bail vide order dated 20.11.2021, passed by learned Exclusive Special Judge SC/ST, Gaya in connection with Tekari P.S. Case No. 427 of 2021 for the offences registered under Sections 341, 323, 504, 506, 354, 379/34 of the Indian Penal Code and Sections 3(i) (r) (s) S.C./S.T. Act.

Learned Counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case. No such occurrence as alleged has ever taken place. He submits that there is no specific overt act against the appellant. He submits that there is general and omnibus allegation against the appellant. He submits that there is specific allegation against co-accused Ramu Yadav who abused the informant by taking caste name. He submits that the appellant is the student. The appellant has no criminal antecedent.

Learned Spl.PP for the State and learned counsel for the respondent no. 2 oppose the prayer for bail.

Considering the facts and circumstances of the case, let 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, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST, Gaya in connection with Tekari P.S. Case No. 427 of 2021, 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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