

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4008 of 2022**

Arising Out of PS. Case No.-441 Year-2022 Thana- WARISLIGANJ District- Nawada

KUNAL KUMAR Son of Vijay Prasad R/v- Balwapar (Chakwai), P.S.-
Warisaliganj, District- Nawada

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUBODH KUMAR CHAUDHARY Son of Baleshwar Chaudhary R/v-
Balwapar (Chakwai), P.S.- Warisaliganj, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

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

2 19-12-2022 Heard learned counsel for the parties.

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 17.10.2022 in A.B.P. No. 2425 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nawada in connection with Warisaliganj P.S. Case No. 441 of 2022 registered under Sections 341, 323, 307, 354, 379, 504, 506/34 of the Indian Penal Code as well as Sections 3(2)(v)(a) of the SC/ST Act.

Learned counsel for the appellant submits that appellant is a person with clean antecedent and is a young boy



of 21 years of age.

The informant alleges that the accused persons including the appellant came to his house and Sonu Kumar assaulted by an iron rod causing injury on his head, Manikant Kumar assaulted his brother by Khanti causing injury on his left hand and feet, Manish Kumar assaulted Nandkeshwar Choudhary by lathi causing injury on his waist and the appellant dashed his sister on the ground and along with Babita took golden chain of his Bhabhi and two mobiles from the house, further the accused persons tormented them by taking caste name.

Learned counsel for the appellant submits that appellant has been falsely implicated in the present case. It is further submitted that specific allegation of assault is against Sonu Kumar, Manikant Kumar and Manish Kumar and as far as this appellant is concerned, it is alleged that he dashed the sister of the informant on the ground and took gold chain of his Bhabhi along with Babita and two mobiles. It is also submitted that the allegations against the appellant are general and omnibus in nature and even presuming what has been alleged is true without admitting for the purposes of anticipatory bail then the appellant is not alleged to have abused or assaulted the



injured and the occurrence has not taken place in public view rather in the house of the informant thus the rigors of SC/ST Act will not apply.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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