

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.407 of 2023**

Arising Out of PS. Case No.-523 Year-2021 Thana- BARH District- Patna

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DHEERAJ KUMAR @ MUNNA SINGH Son of Late Ramchandra Singh  
R/v- Bujruk Tola Berhna, P.S.- Barh, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. DHARMRAJ KUMAR Son of Sri Krishna Mohan Prasad R/v- Gopkita,  
P.S.- Pandarak, District- Patna

... .. Respondent/s

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**Appearance :**

|                      |   |                                                                                      |
|----------------------|---|--------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. N.K. Agrawal, Sr. Advocate<br>Mr. Vijay Anand, Advocate<br>Mr. Rajdeep, Advocate |
| For the Respondent/s | : | Mr. Usha Kumari 1, APP                                                               |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      22-03-2023                      Heard learned Senior counsel for the appellant and  
  
learned Special Public Prosecutor for the State.

Learned Spl. PP for the State, in compliance of order  
dated 08.02.2023, informed the informant/complainant. Nobody  
appeared on behalf of the informant/complainant.

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 08.09.2022 passed by learned Exclusive  
Special Court, SC/ST Act, Patna, in connection with Barh P.S.  
Case No. 523 of 2021 registered under Sections 307, 302,



120(B) and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, seven named accused persons including this appellant and 2 to 3 unknown persons sitting outside the hall fired upon the brother of the informant, Rajesh Kumar (A.S.I.) and Sarpanch Lal Bahadur. It is further alleged that this appellant was working as a liner.

Learned Senior Counsel for the appellant submits that the appellant has no concern with the aforesaid occurrence. 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 appellant. He submits that the only allegation is against the appellant is that he was liner for the occurrence. He submits that the occurrence took place due to political rivalry. Appellant has got two criminal antecedents as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against the



appellant, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged 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 learned Exclusive Special Court, SC/ST Act, Patna, in connection with Barh P.S. Case No. 523 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)**

anand/-

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