

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.483 of 2023**

Arising Out of PS. Case No.-201 Year-2022 Thana- NAWADA MUFFASIL District- Nawada

ANKUSH KUMAR Son of Ramanuj Sharma R/V- Neya P.S- Mufasssil, Dist-
Nawada.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Vikash Kumar Das Son of Janki Ravidas R/V- Neya P.S- Mufasssil Dist-
Nawada.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Vibhuti Ranjan Sonvadra, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For Res. No.2	:	Mr. Pramod Kumar Verma, Advocate

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

4 28-06-2023 I.A. No.01 of 2023 has been filed for condonation of
delay of six days in filing the instant appeal.

For the reasons stated in I.A. No.01 of 2023, the same
is allowed and delay of six days in filing the instant appeal is
hereby condoned.

Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 of anticipatory bail vide order dated
27.09.2022, passed by learned Special Judge, Exclusive Special
Court, SC/ST (POA) Act, Nawada in connection with Mufasssil



(Nawada) P.S. Case No.201 of 2022, registered under Sections 341, 323, 325, 427, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

The appellant is said to have abused the informant by naming his caste. It is also alleged that appellant alongwith other co-accused persons assaulted the informant.

Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. It is submitted that appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that similarly situated co-accused, Kanhaiya Kumar @ Gopal Jee has already been enlarged on anticipatory bail by this Court vide order dated 19.04.2023, passed in Criminal Appeal (SJ) No.3990 of 2022. It is submitted that all the occurrence took place inside the house of the informant, therefore, no case is made out under SC/ST Act. It is also submitted that the allegation against the appellant is general and omnibus.

Learned Special P.P. for the State and learned counsel for the informant opposed the prayer for grant of anticipatory bail to the appellant but fairly accepted that all the occurrence took place inside the house of the informant.



Taking into consideration the facts aforesaid, let 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 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 Special Judge, Exclusive Special Court SC/ST (POA) Act, Nawada in connection with Mufassil (Nawada) P.S. Case No.201 of 2022, subject to the conditions 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)

S.KUMAR/-

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