

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.575 of 2022

Arising Out of PS. Case No.-183 Year-2020 Thana- AKBARPUR District- Nawada

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1. Ajay Kumar, Son of Chandrika Pd. Yadav, R.o Vill.- Fatehpur, P.S.- Akbarpur, Distt.- Nawada
 2. Bittu Kumar @ Bittu Raj, Son of Anil Yadav, R.o Vill.- Fatehpur, P.S.- Akbarpur, Distt.- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar, Son of Jai Ram, Resident of Village- Fatehpur, P.S.- Akbarpur, District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Bhushan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 23-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 23.11.2022, he has informed the informant/ complainant but none is present on his behalf.

3. 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 21.01.2022 passed in A.B.P. No.123 of 2022 by



learned Exclusive Special Judge (SC/ST POA Act), Nawada in connection with Akbarpur P.S. Case No. 183 of 2020 registered under Sections 341, 323, 308, 504, 506, 34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that the appellants along with other accused persons abused and assaulted the informant and his cousin.

5. It is submitted by learned counsel for the appellants that the appellants are falsely been implicated in the present case and the appellants have no criminal antecedent as mentioned in para 3 of the memo of the appeal. He submits that there is case and counter case between the parties. He further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court vide order dated 21.06.2023 passed in Cr. Appeal (SJ) No.3325 of 2022.

6. Learned Special Public Prosecutor for the State opposed the prayer for bail.

7. In the facts and circumstances of the case as also the fact that there is no specific overt act against the appellants to abuse the informant by taking case name and similarly situated co-accused persons have been granted anticipatory bail,



the above named appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST POA Act), Nawada in connection with Akbarpur P.S. Case No. 183 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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