

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1020 of 2023**

Arising Out of PS. Case No.-14 Year-2022 Thana- SC/ST District- Gaya

GAUTAM KUMAR Son of Mithlesh Prasad @ Mithlesh Singh Resident of
Village- Kapeya, P.S.- Alipur, District- Gaya

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indu Shekhar Dwivedi
For the Respondent/s : Mrs. Usha Kumari 1

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

4 12-07-2023

Re:- I.A. No.1 of 2023

This interlocutory application has been filed for condoning the delay of 2 months and 27 days in filing of this appeal.

Considering, the grounds taken in the interlocutory application, the delay in filing of this appeal is hereby condoned.

Accordingly, I.A. No.1/2023 is hereby allowed and disposed of.

Re:- Cr. App (SJ) No.1020 of 2023

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

In compliance of the order dated 10.05.2023, learned Spl.PP for the State informed the informant/complainant to



appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

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 22.08.2022, passed by learned Special Judge (SC/ST) Court, Gaya, in connection with SC/ST P.S. Case No.14 of 2022, registered under Sections 354, 341, 323, 379, 504/34 of the Indian Penal Code and Section 3(i) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he snatched golden chain from the informant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. There is a case and counter-case between the parties and both sides



have sustained injuries. He further submits that similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. App (SJ) No.3517 of 2022, vide order dated 17.11.2022. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case as there is no specific overt act against the appellant, 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 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 the learned Special Judge (SC/ST) Court, Gaya, in connection with SC/ST P.S. Case No.14 of 2022, 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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