

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.970 of 2022

Arising Out of PS. Case No.-147 Year-2020 Thana- MASAUDHI District- Patna

PRINCE KUMAR @ PRINCE KUMAR SONI Son of Late Janardan Thakur
Resident of Mohalla- Masaurhi Block Road, Taregana Dih, P.S.- Masaurhi,
District- Patna, Bihar- 8004452.

... .. Appellant/s

Versus

1. The State of Bihar
2. Harish Chandra Hari Late Vishundev Ram Resident of Village-Kumhar Kol
Bujurg, P.S.-Desari, District-Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajni Kant Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari No.1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 02-03-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

As per direction of this Court, learned Spl.P.P. for the
State informed the informant about his appearance in this case
but nobody entered appearance on his 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 for anticipatory bail vide order dated
29.07.2021, passed by learned A.D.J.-III-cum- Special Judge
(SC/ST), Patna, in connection with Masaurhi P.S. Case
No.147/2020, registered u/s 341, 323, 353 & 34 of the IPC and



sections 3(i)(r)(s) of the SC/ST Act.

As per the prosecution case, the informant alleges that the appellant and other accused persons agitated from the death of a patient in Ganesh Seva Sadan, humiliated and assaulted him and abused in the name of caste.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that there is general and omnibus allegation against the appellant. The name of appellant has surfaced in this case being a social Activist, who was on a protest (Dharna) hold by local people and social activists against the on going corruption under the patronage of the informant in Sub-Divisional Hospital, Masaurhi. Later on, after enquiry, the informant/respondent no.2 was suspended by the Health Department, Bihar. Appellant has no criminal antecedent.

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

Considering the facts and circumstances of the case, since there is no specific allegation against the appellant, let the appellant named above, 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/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III-cum- Special Judge (SC/ST), Patna, in connection with Masaurhi P.S. Case No.147/2020, 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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