

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1356 of 2023**

Arising Out of PS. Case No.-351 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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SHIV NARAYAN SHARMA S/o- Late Gudar Sharma VILLAGE -PIPRABASA WARD NO 13 SAKROHAR PS BELDAUR DISTRICT-KHAGARIA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar

For the Respondent/s : Mr. Binay Krishna

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

3 05-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 25.05.2023, 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 23.01.2023 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge SC/ST (POA Act), Madhepura in connection with Udakishunganj P.S. Case No.351 of 2022,



registered under Sections 302, 120(B) of the Indian Penal Code, Section 27 of Arms Act and Section 3(2) (v/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellant along with other co-accused persons went to the door of the informant and assaulted and abused his father. The appellant ordered to shot fire upon the father of the informant, thereafter, co-accused Akailu Mandal, Kailash Singh and Uday Singh shot fire upon the father of the informant due to which he died.

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. There is no allegation against the appellant to abuse the informant or his family members by taking caste name. The specific allegation is against other co-accused persons. There is no specific overt act against the appellant. 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, 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 1st Additional District & Sessions Judge-cum-Special Judge SC/ST (POA Act), Madhepura in connection with Udakishunganj P.S. Case No.351 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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