

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1255 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- KUTUMBA District- Aurangabad

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KUNAL KUMAR SINGH @ KUNAL KUMAR S/O VIRENDRA SINGH
R/o village- Turta, P.S.- Kutumba, District- Aurangabad

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAJ KUMAR S/O CHHATHU RAM R/o village- Nonia Bigha (Turta), P.S.-
Kutumba, District- Aurangabad

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Krishna Pd. Singh, Sr. Adv Mr. Bhaskar Shankar
For the Respondent/s	:	Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-03-2023 Heard the parties.

A supplementary affidavit has been filed by the learned counsel for the appellant stating therein that notice has been issued to the respondent no.2 and the same was received by the mother of the respondent no.2. In para-3 of the supplementary affidavit, he stated that the respondent no.2 as well as his mother are residing in the same house having same address.

Accordingly, the notice is deemed to be validly served upon respondent no.2 but despite valid service of notice, nobody appears on his behalf.

Learned counsel for the appellant is directed to correct the supplementary affidavit in course of day.

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 31.03.2022, passed by learned 1st Additional Sessions Judge and Special Judge (SC/ST), Aurangabad, arising out of Kutumba P.S. Case No.44 of 2022 registered under Sections 341, 323, 504, 506 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he assaulted and abused the informant/complainant by taking caste name.

It is submitted by learned senior 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. He further submits that there is a case and counter-case between the parties and both sides have sustained injuries. The learned lower Court has also not mentioned any injury in the impugned order. No one has sustained injury in the occurrence, which is also apparent from Annexure-2 of the memo of appeal.



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 and submits that there is specific allegation against the appellant to assault the informant.

Considering the facts and circumstances of the case as well as from the perusal of the records, let 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 Sessions Judge and Special Judge (SC/ST), Aurangabad, arising out of Kutumba P.S. Case No.44 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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