

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1741 of 2023

Arising Out of PS. Case No.-631 Year-2022 Thana- GAYA KOTWALI District- Gaya

RAJIV RANJAN @ JITTU YADAV Son of Late Rajendra Yadav R/o
Mohalla- Maharani Road, PS- Kotwali, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar Son of Damodar Prasad R/o Mohalla- Maharani Road, PS-
Kotwali, Dist- Gaya

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1804 of 2023

Arising Out of PS. Case No.-631 Year-2022 Thana- GAYA KOTWALI District- Gaya

PANKAJ KUMAR @ PK LIGHT @ PANKAJ SON OF HIRA SINGH R/O
MOHALLA- JHILGANJ, P.S.- KOTWALI, DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. ROHIT KUMAR SON OF DAMODAR PRASAD R/O MOHALLA-
MAHARANI ROAD, P.S.- KOTWALI, DISTRICT- GAYA

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1741 of 2023)

For the Appellant/s : Mrs. Priya Ranjan

For the Respondent/s : Mr. Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 1804 of 2023)

For the Appellant/s : Mrs. Priya Ranjan

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023 As both these appeals arises from the same P.S. Case

No., with consent of parties they have been heard together and

disposed of by this common order.

Heard learned counsel for the appellants and learned



Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 03.05.2023 but nobody appeared on behalf of the respondent no.2.

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 04.03.2023 passed by learned Exclusive Special Judge SC/ST, Gaya in connection with Kotwali P.S. Case No. 631/2022, registered under Sections 147, 148, 149, 341, 323 and 307 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (i)(s)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is no independent witness who have supported the prosecution case and only the informant and the witness who signed their signature in F.I.R. has made stereotyped statement in course of investigation. There is general and omnibus general and omnibus allegations levelled against the



appellants. There is compromise between the parties. There is no specific overt act against appellant in Cr. Appeal (SJ) No.1804/2023. Appellant of Cr. Appeal (SJ) No.1741/2023 has got one criminal antecedent and appellant of Cr. Appeal (SJ) No.1804/2023 has got two criminal antecedents as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant in Cr. Appeal (SJ) No.1741/2023 fired upon the informant and injury report supported the prosecution case. Hence, he does not deserve anticipatory bail.

In the facts and circumstances of the case, let the above named appellant of Cr. Appeal (SJ) No.1804/2023, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged 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 learned Exclusive Special Judge SC/ST, Gaya in connection with Kotwali P.S. Case No. 631/2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Insofar appellant in Cr. Appeal (SJ) No.1741/2023 is concerned, there is specific allegation upon him to fire upon the



informant, I am not inclined to enlarge the appellant of Cr. Appeal (SJ) No.1741/2023 on bail in connection with Kotwali P.S. Case No. 631/2022. Accordingly, Cr. Appeal (SJ) No.1741/2022 stands dismissed.

However, if the appellant in Cr. Appeal (SJ) No. 1741/2023 surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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