

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1820 of 2023

Arising Out of PS. Case No.-312 Year-2022 Thana- GANGABRIDGE District- Vaishali

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1. Utpal Kumar Son Of Sanjay Ray Village- Madarpur ,PS
Gangabridge,District Vaishali
 2. Uday Kumar Son Of Sanjay Ray Village- Madarpur ,PS
Gangabridge,District Vaishali

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Virchandra Paswan Son Of Radhakant Paswan Village- Kuwari Buzurg, Ps-
Gangabridge,District Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajeev Ranjan, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 08-12-2023 Vide order dated 02.08.2023, the anticipatory bail application of the appellant no. 1 namely, Utpal Kumar was dismissed as withdrawn.

2. Heard learned counsel for the appellant and learned Spl.P.P. for the State.

3. 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 of the appellant vide order dated 14.03.2023 passed by the learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Gangabridge P.S. Case No.



312 of 2022 dated 23.12.2022 registered for the alleged offences under Sections 147, 148, 149, 447, 307, 337, 504 and 506 of the Indian Penal Code and u/s 27 of the Arms Act and u/ss 3(i)(r)(s)(w) 3(2)(vii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per prosecution case, when the informant was sleeping at home then the appellant and the co-accused persons along with 10 unknown miscreants are alleged to have started pelting bricks and abusing him by calling his caste name. They also threatened the informant to kill his entire family. On hulla, when the villagers gathered then all the accused persons fled away from the spot. It is further alleged that the co-accused Raja Kumar opened fire from pistol with intent to kill the informant but he could be saved himself.

5. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The specific allegation of firing is against the co-accused, Raja Kumar. There is general and omnibus allegation of abusing against the appellant. Learned counsel has further submitted that no member of public was present at the relevant point of time of the alleged incident. Hence, no offence is made out against the appellant under the provisions of SC/ST (PoA) Act. The appellant has one criminal antecedent as stated at para 3 of the bail petition.

6. Learned Spl. P.P. for the State as well as learned counsel



for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

7. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellant, the impugned order dated 14.03.2023 passed by the learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Gangabridge P.S. Case No. 312 of 2022, is set aside against the appellant. The criminal appeal is allowed.

8. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Gangabridge P.S. Case No. 312 of 2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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