

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1591 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- NAVINAGAR District- Aurangabad

HIMANSHU DUBEY @ HIMANSHU KUMAR DUBEY Son of Ashok
Dubey Resident of Village - Harchandrapur, P.O.- Badem, P.S.- Nabinagar,
District - Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Asresh Kumar Son of Yamuna Ram Resident of Village - Harchandrapur,
P.S.- Nabinagar (Badem O.P.), District - Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Pd. Singh, Sr. Adv
		Mr. Bhaskar Shankar, Adv
For the Respondent/s	:	Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 11-01-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Despite valid service of notice, nobody appears 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
22.04.2022 passed by learned 1st Additional Sessions Judge cum
Special Judge cum Special Judge (SC/ST), Aurangabad in
connection with Nabinagar P.S. Case No.74 of 2022, registered
under Sections 153, 153(A), 427, 500, 34 of the Indian Penal



Code and Section 3(1) (r) (s) (f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned senior counsel for the appellant that no such occurrence as alleged ever took place. The appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. He further submits that the informant is not an eye witness to the alleged occurrence and he has named the appellant merely on the basis of suspicion. The appellant has been made accused in the present case only because he comes from particular community. 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, 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 cum Special Judge cum Special Judge (SC/ST), Aurangabad in connection with Nabinagar P.S.



Case No.74 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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