

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1694 of 2022**

Arising Out of PS. Case No.-122 Year-2019 Thana- BARUN District- Aurangabad

RAJU KUMAR S/o Kameshwar Singh R/o village- Malpur, P.S.- Barun, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Bahadur prasad Kaniya abhiyanta, Awar Pramandal, P.O and P.S- Barun, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Sinha

For the Respondent/s : Mr. Harimohan Mishra

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

4 22-02-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks.

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 18.04.2022 passed by learned I/C 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST) Aurangabad in connection with Barun P.S. Case No.122 of 2019, registered under Sections 341, 323, 379, 353, 504, 506, 34 of the Indian Penal Code



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

The allegation against the appellant is that he abused the informant and also snatched golden chain and wrist watch from him.

It is submitted by learned counsel for the appellant that the appellants have no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. He further submits that learned court below has not properly considered that allegation of theft not proved against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail and submits that there is a specific allegation against the appellant to abuse the informant.

Considering the facts and circumstances of the case and 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 enlarged 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 , I/C 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST) Aurangabad in connection with Barun P.S. Case No.122 of 2019 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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