

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1978 of 2022**

Arising Out of PS. Case No.-383 Year-2021 Thana- KOILWAR District- Bhojpur

VINAY KUMAR @ VINAY KUMAR RAI Son of Late Dudhnath Rai  
Resident of Village - Manacha , P.s.- Koilwar, Distt.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahavir Ram Son of Lakhan Ram Resident of Village - Mahadev Chak  
Somariya, , P.s.- Koilwar, Distt.- Bhojpur.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Manoj Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.PP.

**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 is directed to remove  
the defects within four weeks.

Learned counsel for the appellant seeks permission to  
make correction in para no. 3 in course of the 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  
07.05.2022 passed by learned 1<sup>st</sup> Additional District & Sessions  
Judge cum Special Judge (SC/ST Act), Bhojpur at Ara in  
connection with Koilwar P.S. Case No. 383 of 2021 registered



under Sections 147, 148, 341, 307, 504, 506, 149 of the Indian Penal Code, Section 27 of Arms Act and Section 3(i) (f) (g) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that on the date of occurrence 12.08.2021 that at about 05:00 pm of the evening, some persons of Manchak Village are digging out his land which has been granted to him by the Government of Bihar and when the informant along with co-villagers reach there, he found that 13 named accused persons in the FIR, armed with rifle, gun started firing at the informant and said that let all the Harizans be killed. The informant received pellet injury shot by Arun Kumar through his rifle and the co-villagers took him to Sadar Hospital Ara.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. 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 due to dirty politics. The name of the appellant has been dragged in the present case as member of the mob. The allegation levelled against the appellants is not



specific rather general and omnibus in nature. There is specific allegation against accused Arun Kumar that he fired upon the informant. There is no specific allegation of abusing with the caste name against the appellant. Appellant has six criminal antecedents 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, as there is general and omnibus allegation against the appellant, 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 1<sup>st</sup> Addl. District & Sessions Judge cum Special Judge (SC/ST Act), Bhojpur at Ara in connection with Koilwar P.S Case No. 383/2021, 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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