

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2207 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- VIDYAPATINAGAR District-
Samastipur

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Deepak Kumar Son Of Ganga Sagar Rai @ Ganga Rai Resident of Village-
Maniyarpur, P.S.- Ghatho, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gango Ram Son Of Late Yugal Ram Resident of Village- Maniyarpur, P.S.-
Ghatho, Distt. - Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arbind Kumar Sharma

For the Respondent/s : Ms.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 15.03.2022 passed by learned Special Judge, Samastipur in connection with Vidyapatnagar (Ghataho OP) P.S. Case No. 163 of 2021 under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

Prosecution case in brief is that on the alleged date



and time of occurrence, while the informant returning home, on the way at Pankaj Thakur's Saloon, appellant and co-accused abused the informant by caste name. Appellant assaulted the informant with *lathi, danda* causing head injury.

It is submitted on behalf of the appellant that FIR has been lodged after delay of two day for which there is no explanation. Appellant has been falsely implicated in this case due to old enmity and village politics. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. The doctor has found the injury simple in nature. Appellant has got clean antecedent.

Counsel for State opposed the prayer for bail and submitted that there is specific and direction allegation of assault and abuse by caste name against the appellant.

Considering the facts aforesaid, I am not inclined to enlarge the appellant above-named on anticipatory bail. Accordingly, this appeal stands dismissed.

(Prabhat Kumar Singh, J)

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