

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2579 of 2023**

Arising Out of PS. Case No.-241 Year-2020 Thana- CHANDAUTI District- Gaya

VIKASH KUMAR @ VIKAS YADAV SON OF SURENDRA YADAV
VILLAGE GOVINDPUR WARD NO.5 PS CHANDAUTI DIST GAYA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special PP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 25-08-2023 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 06.04.2023 in A.B.P. No. 109 of 2023 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Chandauti P.S. Case No. 241 of 2020 registered for the offences punishable under Sections 341, 323, 307, 384, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that the appellant has antecedent of one case.



4. The informant alleges that he was getting his house repaired when the accused persons including the appellant came and started abusing him and said that they will not allow him to stay in the house, on protest it is alleged that they assaulted him by *lathi* causing injury on his face and hand and accordingly the present FIR came to be instituted.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegations are general and omnibus in nature and was not committed in public view, it is next submitted that even the parties have compromised, as would be evident from *Annexure-2* to the appeal.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 06.04.2023 in A.B.P. No. 109 of 2023 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Chandauti P.S. Case No. 241 of 2020 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chandauti P.S. Case No. 241 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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