

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2643 of 2023

Arising Out of PS. Case No.-295 Year-2022 Thana- BAHERI District- Darbhanga

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KUMAR AYUSH @ ANIKET KUMAR SINGH @ ANIKET Son of Sri
Shashi Mohan Singh Resident of village - Jorja, P.s. - Baheri, Distt. -
Darbhanga

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. NIRANJAN KUMAR PASWAN Son of Daya Ram Paswan Resident of
village - Lakshmipur, P.s. - Baheri, Distt. - Darbhanga

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Manish Kumar No 13 Mr. Rohit Kumar Mrs. Priti Kumari
For the Respondent/s	:	Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 11-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 19.04.2023 passed by learned 3rd Additional
Sessions Judge cum Exclusive Special Judge (SC/ST Act),
Darbhanga, in connection with Baheri P.S. Case No.295 of
2022, registered under Sections 382, 504 and other allied
Sections of the Indian Penal Code and Section 3(1) (s), 3 (2)



(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in short, is that while the informant was on his way to his house on motorcycle, the appellant and other accused persons dashed his motorcycle and abused him by taking his caste name and also snatched Rs.1,00,000/- from his pocket on gun point.

4. It is submitted by learned counsel for the appellant that 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 only on the basis of suspicion. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. There is no eye witness to the alleged occurrence. Appellant has one criminal antecedent of similar nature of offence, as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State opposed the prayer for bail.

6. Considering the fact and circumstances of the case as well as considering the nature of offence, I am not inclined to



enlarge the appellant on bail. The prayer for grant of bail on his behalf is hereby rejected.

7. Accordingly, this instant appeal stands dismissed.

(Anjani Kumar Sharan, J)

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