

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2638 of 2023

Arising Out of PS. Case No.-1367 Year-2022 Thana- BIHTA District- Patna

VIKASH KUMAR SON OF HIRA SAW RESIDENT OF VILLAGE -
KISHUNPUR, POLICE STATION - BIHTA, DISTRICT - PATNA

... .. Appellant/s

Versus

THE STATE OF BIHAR, PATNA

... .. Respondent/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 30.08.2023, he informed the informant to appear in the present appeal through her counsel, but nobody appears on her behalf.

3. 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 24.03.2023 passed by learned Special Court, SC/ST Act, Patna in connection with Bihta P.S. Case No. 1367 of 2022 registered under Sections 341, 323, 348, 325, 504, 506 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (va) of



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

4. Allegedly, appellant is said to have entered the house of the informant and assaulted her brutally with an intention to oust her from her house and grab her property.

5. 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 ulterior motive. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. No injury report is enclosed in the case diary. There is no allegation of slating the informant by taking her caste name against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

7. In the facts and circumstances of the case, as there is no specific overt act against the appellant and no person got injured in the alleged occurrence, 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 Special Court, SC/ST Act, Patna in connection with Bihta P.S. Case No. 1367 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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