

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3478 of 2021

Arising Out of PS. Case No.-91 Year-2021 Thana- BANIAPUR District- Saran

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PRADEEP PRASAD Son of Late - Awadh Prasad Resident of Village -
Mashrakh Takht, P.S. - Mashrakh, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar.
2. BhimKumar Sah Son of Late Shiv Bachchan Sah Resident of village-Harpur
k Tola,P.S-Baniyapur,District-Saran.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For Res. No.2	:	Mr. Anant Kumar Bhaskar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 12-04-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State as well as learned

counsel appearing on behalf of respondent no.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 of anticipatory bail vide order dated
22.07.2021, passed by learned 1st Additional Sessions Judge-
cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in
connection with Baniyapur P.S. Case No.91 of 2021, registered
under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302 and
504 of the Indian Penal Code and Sections 3(i)(r)(s) and 2(v) of
the SC/ST (POA) Act.



The appellant and other co-accused persons are said to have assaulted the informant and his family members causing injuries to them.

Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. The appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is general and omnibus allegation against the appellant. The specific allegation of assault is against co-accused, Suryavali Prasad, Vidya Prasad and Kailash Prasad. It is further submitted that the injuries sustained by the injured persons are simple in nature.

Learned Special P.P. for the State as well as learned counsel appearing on behalf of respondent no.2 opposed the prayer for grant of anticipatory bail to the appellant by submitting that the accused persons have abused the father of the informant by naming his caste.

Taking into consideration the facts aforesaid, let 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 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 learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Baniyapur P.S. Case No.91 of 2021, subject to the conditions 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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