

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2794 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- NOORSARAI District- Nalanda

RISHU KUMAR S/O UPENDRA PRASAD R/O Village- Prahalad Nagar,
PS. Noorsarai, Dist. Nalanda

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 16.08.2023, learned
Spl.P.P. for the State informed the informant to appear in this
case but nobody has entered appearance on his behalf.

3. This is an appeal under section 14A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
22.05.2023, passed by learned 3rd Additional District and
Sessions Judge cum Special Judge, SC/ST, Nalanda at Bihar
Sharif, in connection with Noorsarai P.S. Case No.50 of 2023,
registered under sections 147, 148, 149, 341, 323, 302 and 504
of the IPC and sections 3(i)(r)(s), 3(2)(v) of the SC/ST Act.



4. As per the prosecution case, the F.I.R. named accused persons including the appellant and other unknown persons had brutally assaulted the son of the informant, due to which he died in course of treatment.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against him to abuse the informant by taking caste name. There is no eye-witness to the alleged occurrence and only on suspicion, appellant has been made accused in this case. In the entire case diary, there is no material against the appellant. Appellant has no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail by submitting that the postmortem report has supported the prosecution case.

7. Considering the facts and circumstances of the case and the nature of allegation, I am not inclined to enlarge the appellant on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.



8. However, appellant is at liberty to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law, without being prejudiced of the dismissal of this appeal.

9. Accordingly, the appeal is dismissed.

(Anjani Kumar Sharan, J)

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