

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2779 of 2023

Arising Out of PS. Case No.-97 Year-2020 Thana- WARISLIGANJ District- Nawada

CHUNNU KHAN S/O LALU KHAN @ MANIR KHAN R/O Village-
Murlachak Ward No.-5, P.S- Warisaliganj, Distt.- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rajeev Kumar @ Raja S/O Saho Ravidas R/O Village- Murlachak Dihpar,
Ward No. 05, Warisaliganj, Distt.- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dilip Kumar No. 1
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 28.06.2023, learned
Spl.PP for the State informed the informant to appear in the
present case through his counsel but nobody entered appearance
on his 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
29.05.2023, passed by learned Incharge Special Judge (S.C./S.T.
Act), Nawada in connection with Warisaliganj P.S. Case No. 97



of 2020, registered under Sections 302, 307 and other allied Sections of the Indian Penal Code, Section 27 of Arms Act, and Section 1(1) (r) (s), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellant along with other co-accused persons abused the informant's side by taking caste name and also fired upon them with intention to kill them. The uncle of the informant and the neighbour started running from their house to save themselves. It is also alleged that the accused persons including the petitioner assaulted them by means of sword and iron rod.

5. 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 at the instance of his enemies. The appellant is just a member of the mob and there is no specific overt act against the appellant. He further submits that the specific allegation is against the co-accused Md. Irfan to open fire and he has been acquitted by the learned Court below itself. Appellant has one 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, let 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 Incharge Special Judge (S.C./S.T. Act), Nawada in connection with Warisaliganj P.S. Case No. 97 of 2020, 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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