

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3473 of 2021

Arising Out of PS. Case No.-680 Year-2019 Thana- FATUA District- Patna

Rishi Raj @ Rishi @ Shanu, Son of Sri Ram Nath Yadav, Resident of Village-
Gadhochak, P.S.- Fatwa, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Golu Kumar, Son of Arvind Paswan, Resident of Village-Govindpur Fatuha,
P.S.-Fatuha, District-Patna

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Though Vakalatnama is filed on behalf of
respondent No.2, but nobody appears on behalf of respondent
No.2.

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 24.06.2021 passed by learned Additional
Sessions Judge-III-cum-Special Judge, (SC/ST Act), Patna in
connection with A.B.P. No.3116 of 2021 arising out of Fatuha



P.S. Case No. 680 of 2019 registered under Sections 341, 323, 307, 337, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that the appellant along with other accused persons abused and assaulted the informant.

5. It is submitted by learned counsel for the appellant that the appellant is falsely been implicated in the present case and the appellant has criminal antecedent as mention in para 3 of the memo of appeal. Learned counsel for the appellant further submits that there is general and omnibus allegation against the appellant and there is no specific overt act against the appellant. He further submits that there is no allegation of abusing the informant by taking cast name.

6. Learned Spl. PP for the State opposed the prayer for bail and submits that the appellant is also involved in the present case.

7. In the facts and circumstances of the case and after perusing the records as there is no specific overt act has been attributed 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 Additional Sessions Judge-III-cum-Special Judge, (SC/ST Act), Patna in connection with Fatuha P.S. Case No. 680 of 2019, 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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