

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2995 of 2023**

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

SHER KHAN Son of Kaishar Khan Resident of Mudla Chak, Ward No.- 5,
Warisaliganj, P.S.- Warisaliganj, District - Nawadah.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rajeev Kumar Son of Radha Ravidas Resident of Mudlachak, Ward No.- 5,
Warisaliganj, P.S.- Warisaliganj, District - Nawadah.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar

For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 06-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 26.07.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/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 04.05.2023 passed by learned In-charge Special
Judge-cum-Exclusive Special Judge (SC/ST Act), Nawadah in



connection with Warisalinganj P.S. Case No.97 of 2020, registered under Sections 307 and other allied Sections of the Indian Penal Code and Section 3(1) (r), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of Arms Act.

4. As per the prosecution case, a fight took place due to touching the bicycle and it is alleged that the wife of one Akbar Khan died due to Corona and due to that, the accused persons including the petitioner went to the informant and started abusing and also made firing due to which several persons got injured.

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 on the basis of grudge. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. He further submits that similarly situated co-accused has been granted bail by this Court in Cr. APP(SJ) No.3861 of 2022 vide order dated 02.03.2023. 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, 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 In-charge Special Judge-cum-Exclusive Special Judge (SC/ST Act), Nawadah in connection with Warisalinganj 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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