

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3725 of 2021

Arising Out of PS. Case No.-526 Year-2021 Thana- PHULWARISHARIF District- Patna

AMRITANSHU @ AMRITANSHU VED Son of Kumar Amitesh Chandra
Resident of 7 H.F. 1/3, Bahadurpur Housing Colony, Police Station - Agak
Kuan in the District of Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-08-2023 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed
that in compliance of the order dated 21.06.2023, he has
informed the informant/ complainant but none is present 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
10.08.2021 passed by learned Additional Sessions Judge-III-
cum-Special Judge (SC/ST Act), Patna in connection with
Special Case No.170 of 2021, arising out of Phulwarisharif P.S.



Case No. 526 of 2021 registered under Sections 341, 504 & 506 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellant is that he had gone live on facebook and given direction to gang members to catch the informant and had also made derogatory comments which have been detailed in the written complaint against him and further that the mobile number had been obtained by the miscreants and he was receiving threat calls.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. It is further submitted that the appellant is not known to the informant and there was no occasion for him to post such video. It is further submitted that even the copy of the video recording has not been provided to him along with the FIR. There is inordinate delay of two days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no 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 also the fact that the allegations are general and omnibus in nature, 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 Addl. Sessions Judge-III-cum Special Judge (SC/ST Act), Patna in connection with Special Case No.170 of 2021, arising out of Phulwarisharif P.S. Case No. 526 of 2021, 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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