

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3732 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Pushpesh Pratihar Son of Ashok Kumar Permanent resident of Village- Gabhirar, P.S.- Raghunathpur, District- Siwan, presently residing at Mohalla- Bhagwan Bazar Gola, P.S.- Bhagwan Bazar, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Kumar Choudhary Rajdeo Chaoudhary Mohalla- Shyam Chak, P.S.- Bhagwan Bazar, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Binod Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-04-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 22.07.2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 06 of 2021 under Section 302/34 of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.



As per the prosecution case, informant suspects that all the FIR named accused persons and others committed murder of the son of informant.

It is submitted on behalf of the appellant that appellant is not named in the FIR. Name of appellant transpired during course of investigation on the basis of confessional statement of co-accused. No offence under SC/ST Act is made out as there is no allegation of abuse by caste name against the appellant. The accused appellant Arpan Kumar named in the FIR has already been granted bail by a coordinate Bench of this court vide order dated 24.09.2021 passed in Cr. APP. (SJ) No. 2931 of 2021.

Counsel for informant however vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 22.07.2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.



10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 06 of 2021.

(Prabhat Kumar Singh, J)

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