

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3053 of 2023

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

JADDU KHAN @ AZAZ KHAN @ JADU KHAN Son of Mozim Khan Resident of Village - Murlachak, Ward No.- 5, P.S.- Warisaliganj, District - Nawada.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rajeev Kumar @ Raja Son of Saho Ravidas Resident of Village - Murlachak, Ward No.- 5, P.S.- Warisaliganj, District - Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad
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 10.05.2023 passed by learned Exclusive Special Court SC/ST Act, Nawada in connection with



Warisalinganj P.S. Case No.97 of 2020, registered under Sections 307, 302 and other allied Sections of the Indian Penal Code and Section 3(1) (r)(s)/ 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 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 to-day, 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 Exclusive Special Court SC/ST 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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