

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2737 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- DIDARGANJ District- Patna

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1. GULSHAN KUMAR @ DHIRAJ KUMAR Son of Sagindra Singh @ Sureela Prasad Resident of Village - Sonama, P.s.- Didarganj, Dstt.- Patna.
 2. GOLU KUMAR @ RAHUL KUMAR Son of Sagindra Singh @ Sureela Prasad Resident of Village - Sonama, P.s.- Didarganj, Dstt.- Patna.
 3. SINTU KUMAR Son of Jogi Singh Resident of Village - Sonama, P.s.- Didarganj, Dstt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhaneshwar Ram S.I. of Didarganj P.S., Distt. - Patna. Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jay Ram Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 25.04.2022 in A.B.P. No. 1482/2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Didarganj P.S. Case No. 19 of 2022 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 353, 337, 338, 427,



435, 504, 506 of the Indian Penal Code as well as Sections 3(1) (r)(s)/3(2) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants submits that the appellants have antecedent of three cases and the informant alleges that public was demonstrating on NH-30 with a dead body and when police came they started pelting stones and abused the informant by taking caste names.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case and it is next submitted that it absolutely does not stand to reason the how the informant identified the accused persons, it is next submitted that based on CCTV footage it is alleged that the villagers identified the accused persons including the appellants but then whether they abused the informant by taking caste name or not is not there in the CCTV footage with clarity.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 25.04.2022 in A.B.P. No. 1482/2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Didarganj P.S. Case No. 19 of 2022 is hereby



set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Didarganj P.S. Case No. 19 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Adnan/-

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