

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2731 of 2022**

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKARPUR District- West Champaran

ROHIT KUMAR S/o Ajay Sah Resident of Village - shihpur, P.S.- Sathi,
District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. AJAY KUMAR BAITHA S/o Chandradev Baitha R/o village Takiya, Ward No. 1, P.S. Shikarpur, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Ms. Usha Kumari 1

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

3 21-02-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Vakalatnama has been filed on behalf of respondent no.2, but today nobody appears on his behalf.

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 of anticipatory bail vide order dated 05.07.2022, passed by learned Additional District & Sessions Judge-I-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Shikarpur P.S. Case No.249 of 2022, registered under Sections 341, 323, 307, 504, 325, 354 and 34 of



the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, the FIR named accused persons including the appellant hurled abuses and assaulted the informant's side by means of various weapons.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. Learned counsel for the appellant submits that there is general and omnibus allegation against the appellant. It is further submitted that similarly situated co-accused, Rambhu Kumar @ Rambhu Kumar Sah has already been enlarged on anticipatory bail by this Court vide order dated 11.01.2023, passed in Criminal Appeal (SJ) No.3012 of 2022.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellant.

Considering the fact that there is general and omnibus allegation against the appellant, let 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 enlarged 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 learned Additional District & Sessions Judge-I-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Shikarpur P.S. Case No.249 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

S.KUMAR/-

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