

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3250 of 2023

Arising Out of PS. Case No.-956 Year-2022 Thana- GAYA MUFASIL District- Gaya

CHINTU KUMAR Son of Late Shambhu Singh Resident of Village-
Harbansh Bigha, Police Station-Islampur, District-Nalanda. At present
Resident of Village / Mohalla-Janakpur, Police Station-Mufassil, District-
Gaya

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tej Narayan Singh

For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 23.08.2023, 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 26.06.2023, passed by learned Exclusive
Special Judge (SC/ST), Gaya in connection with Mufassil P.S.
Case No.956 of 2022 arising out of Complaint Case No.865 of



2011, registered under Sections 452, 380 and other allied Sections of the Indian Penal Code and Section 3(2)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the petitioner along with other co-accused persons assaulted the informant's side and also abused them by taking caste name.

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 due to enmity. 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 earlier the father of the appellant lodged a case against the informant's husband thereafter the present case has been lodged by the informant. 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 there is



no specific overt act against the appellant, let 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 Exclusive Special Judge (SC/ST), Gaya in connection with Mufassil P.S. Case No.956 of 2022 arising out of Complaint Case No.865 of 2011, 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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