

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2970 of 2022**

Arising Out of PS. Case No.-103 Year-2021 Thana- GAYA MUFASIL District- Gaya

AMIT KUMAR S/o Om Prakash Vishwakarma Resident of Village- Janakpur,
Devi Asthan, P.S.- Muffasil, District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP. Mr. Vishwa Ranjan Choudhary, Adv.

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

4 26-07-2023 Heard the parties.

2. 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 10.08.2021 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Muffasil P.S. Case No. 103 of 2021 registered under Sections 147, 148, 149, 447, 506, 307 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, an altercation was taken place between the parties regarding a seat and accused Amit Kumar threatened the



informant of dire consequences and when the informant reached his home, after 10 minutes, accused Amit Kumar took out his pistol from his waist and started firing upon the informant and his family indiscriminately.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. Appellant is a student. No such occurrence as alleged ever took place due to ulterior motive. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegations levelled against the appellant is not specific rather general and omnibus in nature. Though, there is allegation against the appellant that he fired upon the informant and his family members, but from perusal of FIR, it is evident that no person got injured in the alleged occurrence. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that four empty cartridges have been recovered near the house of the



informant.

6. In the facts and circumstances of the case, as there is no specific allegation of slating the informant by taking his caste name and no person got injured, 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 Act, Gaya in connection with Muffasil P.S. Case No. 103 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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