

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4267 of 2021**

Arising Out of PS. Case No.-253 Year-2019 Thana- GARKHA District- Saran

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PRADEEP GIRI @ PRADIP KUMAR GIRI S/o SHIVJI GIRI @ SUJIT
GIRI R/o VILLAGE-PAHARPUR, P.S.- GARKHA, DISTRICT-SARAN.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Rajan Ram Late Rameshwar Ram R/o Village-Matkhouva, P.S.-Garkha,
District-Saran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Harsh Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 20-09-2023 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed
that in compliance of the order dated 18.05.2023, he has
informed the informant but none is present on his 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
10.09.2021 passed by learned 1st Additional Sessions Judge cum
Special Judge (SC/ST Act), Saran at Chapra in connection with
Garkha P.S. Case No.253/2019 registered under Sections 341,



323, & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. On the date of occurrence, while the informant was near his house, in the meantime, all the F.I.R. named accused persons including this appellant are said to have come there and started abusing him by taking his caste name and assaulted by means of danda. Co-accused, Brajesh Singh pointed country made pistol and threatened to kill him. Co-accused Balwant Singh, Shivjee Giri and Pradeep Giri climbed on the chest of the informant and wrapped *Gamchha* in his neck and started pulling the same, in the meantime, villagers came and saved his life.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. It is further submitted that no specific overt act has been attributed against the appellant. The allegation levelled against the appellant is general and omnibus in nature. It is further submitted that appellant neither belongs to the same village as the informant nor that of co-accused persons and has no concern with the chimney operations of co-accused Jawahir Singh. He has been unnecessarily been dragged into the instant case. 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 well as the fact that the allegation levelled against the appellant is general and omnibus in nature, 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Garkha P.S. Case No.253/2019, 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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