

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4368 of 2021

Arising Out of PS. Case No.-299 Year-2021 Thana- AGAMKUAN District- Patna

David Kumar S/O Ram Chandra Prasad R/O Village- Badlu Bigha, P.O.-
Nehalpur, P.S.- Ratni Faridpur, District- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Pandey

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State
submits that he has informed the informant through but nobody
appears on his behalf.

3. This is an appeal under section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST
Act’) against the refusal of prayer for bail vide order dated
22.09.2021, passed by learned A.D.J.-III-cum-Special Judge
(SC/ST Act), Patna in connection with Agamkuan P.S. Case No.
299 of 2021, registered under Sections 341, 323, 504, 506/34 of
the IPC and Sections 3(i) (r) (s) of SC/ST Act.

4. Appellant is said to have abused the informant and
also assaulted him.

5. It is submitted by learned counsel for the appellant that
the appellant is innocent and has been falsely implicated in this



case. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He submits that occurrence took place on 03.04.2021 but FIR has been lodged on 05.04.2021 and there is no explanation for delay which creates serious doubt about the prosecution case. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

6. Considering the facts and circumstances of the case, 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 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 the learned A.D.J.-III-cum-Special Judge, SC/ST Patna in connection with Agamkuan P.S. Case No. 299 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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