

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3652 of 2023

Arising Out of PS. Case No.-789 Year-2018 Thana- DANAPUR District- Patna

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Rohit Kumar @ Chuha Gope S/o Shailendra Kumar Resident of Village-Ashopur, P.S.-Danapur, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyam Nandan Choudhary S/o Late Shiv Nandan Choudhary Resident of Village-Ashopur, P.S.-Danapur, District-Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satish Chandra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. It appears from the office note that notice through
ordinary post validly served upon respondent no.2.

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 09.06.2023 passed by learned Exclusive
Special Court, SC/ST Act, Patna in connection with Danapur P.S
Case No.789 of 2018, registered under Sections 147, 148, 149,
341, 323, 308, 504, 379, 427 of the Indian Penal Code and



Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the allegation, when the informant was going at Chhath Ghat, along with his family members, the accused persons along with the appellant assaulted him and his family members and also abused him by taking his 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of two days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. He further submits that two similarly situated co-accuseds have been granted bail by this Court vide order dated 16.08.2023 passed in Cr. Appl(SJ) No.636 of 2023 and by a co-ordinate Bench of this Court vide order dated 21.01.2023 passed in Cr. App (SJ) No.4184 of 2021. Appellant has one 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 similarly situated co-accused has been granted bail, 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 Act, Patna in connection with Danapur P.S Case No.789 of 2018, Special Case No.636 of 2018, 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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