

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4699 of 2021**

Arising Out of PS. Case No.-24 Year-2021 Thana- SHAHKUND District- Bhagalpur

SURAJ KUMAR @ SURAJ SAH @ SURAJ KUMAR SAH Son of Vijay
Sah Resident of Village- Hario, P.S.- Bihpur, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupa Devi Wife of Arbind Das Resident of Village- Satpriya, P.S.- Sahkund,
District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar

For the Respondent/s : Mrs.Usha Kumari 1

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

4 15-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant is directed to
remove the defects, if any, within four weeks.

Notice was validly served upon the respondent no.2
but nobody appeared on his behalf.

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 02.08.2021 passed by learned 3rd Cum Special
Judge, SC/ST Act Bhagalpur, in connection with Sahkund P.S.



Case No. 24/2021, registered under Sections 302 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. The appellant is not named in the FIR. Appellant has made accused on the basis of the CDR report in which it is stated that the appellant used to talk with the co-accused Mithilesh Kumar Shah and there is no direct evidence against him. Similarly situated others co-accused person has already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 22.09.2022 passed in Cr. Appeal (SJ) No.3893/2021. There is no Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In 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 learned 3rd Cum
Special Judge, SC/ST Act Bhagalpur, in connection with
Sahkund P.S. Case No. 24/2021, subject to the condition as laid
down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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