

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4712 of 2021**

Arising Out of PS. Case No.-53 Year-2021 Thana- RAMPUR District- Gaya

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PINTU KUMAR @ TAIL YADAV Son of Sukhdev Yadav Resident of
Village- Chiraiyatand, P.S.- Rampur, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sanjeev Kumar S/o Vijay Prasad Tanti R/o Village- Gewal Bigaha, near
Devi Sthan, P.S.- Rampur, District- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sujit Kumar, Adv.

For the Respondent/s : Mr.Usha Kumari 1, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

9 15-12-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

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 rejection of prayer for anticipatory bail of the appellant vide order dated 27.10.2021 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Rampur P.S. Case No. 53 of 2021 dated 17.02.2021 registered for the alleged offences under Sections 341, 323, 307 and 386 of the Indian Penal Code and us 27 of the Arms Act and Sections 3(i)(r)(s), 3(3-v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, when the informant was getting



a house constructed, he was shot two bullets by the co-accused Shamu Yadav which hit left side of the neck of the informant, due to which he sustained injury and fell down. The co-accused Shamu Yadav fled away from the spot. Thereafter, the informant was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The appellant is not named in F.I.R. The name of the appellant has transpired in this case during the course of investigation. Nothing has been recovered from the possession of the appellant. It is further submitted that so far as the accusation under the SC/ST (Prevention of Atrocities) Act is concerned there is no material in F.I.R. to connect the appellant with the alleged offence. Hence, no offence is made out against the appellant under the provisions of SC/ST (PoA) Act. The co-accused persons have already been granted bail by the Coordinate Bench of this court vide order dated 07.10.2021 passed in Cr. Misc. No. 3402 of 2021. The appellant has one criminal antecedent as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellant, the impugned order dated 27.10.2021 passed by the learned



Exclusive Special Judge, SC/ST, Gaya in connection with Rampur P.S. Case No. 53 of 2021, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Gaya in connection with Rampur P.S. Case No. 53 of 2021, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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