

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3999 of 2023

Arising Out of PS. Case No.-343 Year-2023 Thana- NARHATT District- Nawada

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GOPAL KUMAR @ GAUTAM son of Late Ram Ashish Singh Village- Pattal
Bigha Ps- Narhat Dist- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. KUSUM LAL PASWAN SON OF LATE AJABLAL PASWAN NARHAT,
DISTRICT- NAWADA, STATE-BIHAR.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Parashuram Singh, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 04-10-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. As the informant is a police Constable, he is represented by the State counsel and no notice is required to be issued upon the respondent no.2.
2. 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 anticipatory bail vide order dated 08.08.2023, passed by learned Ex Special SC/ST (POA) Court, Nawada, in connection with Narhat P.S. Case No.343 of 2023, registered under sections 353/3793411 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.



3. As per the prosecution case, on secret information, when the Police constables reached Dharnajay river, they saw one Tractor started fleeing away and the chowkidar disclosed his name as the appellant herein. The accused fled away with the engine of the tractor and left behind the Dala loaded with sand, which was seized. Thereafter, the owner of the tractor came and abused the informant by taking his caste name and fled away.

4. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He has been falsely implicated in this case due to ulterior motive. He has been falsely implicated in the case with frivolous allegation. It is submitted that no person was apprehended on the spot nor any incriminating article has been recovered from the conscious physical possession of the appellant. From perusal of the F.I.R., it is clear that there is no specific allegation against the appellant to abuse the informant by taking caste name where it is only written that the appellant abused the informant to create disturbance in his work. It is further submitted that due to prior enmity, the appellant has been made accused in this case. Appellant has no criminal antecedent.

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

6. Considering the facts and circumstances of the case, the



appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Ex Special SC/ST (POA) Court, Nawada, in connection with Narhat P.S. Case No.343 of 2023, 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

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