

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4019 of 2023

Arising Out of PS. Case No.-309 Year-2023 Thana- ALOULI District- Khagaria

Birju Kumar S/O Upendra Shah Village_ Jogia, P.S. Alauli, Distt. Khagaria
... .. Appellant/s

Versus

1. The State of Bihar
2. ARVIND KUMAR SON OF ARJUN RAJAK VILLAGE- JOGIA WARD NO. 16, PS- ALAULI, DIST- KHAGARIA
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 18.10.2023 but nobody appeared on behalf of the 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 04.08.2023 passed by learned Additional Sessions Judge 1st Cum Special Judge, SC/ST Act, Khagaria in connection with Alauli P.S. Case No. 309 of 2023, registered under Sections 341, 323, 307, 504, 354, 379, 506, 509 and 34 of



the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, there is allegation against the appellant that he along with others abused, assaulted and also spit on the informant.

5. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is general and omnibus allegation levelled against the appellant. There is no specific overt act against the appellant. There is no injury received on the informant. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposes the prayer for bail.

7. Considering the nature of the offence, I am not inclined to enlarge the appellant on bail in connection with Alauli P.S. Case No. 309/2023. Accordingly, his prayer for bail is hereby rejected.

8. However, if the appellant surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the



order, preferably, on the same day, without being prejudiced by
this order.

(Anjani Kumar Sharan, J)

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