

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3861 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- WARISLIGANJ District- Nawada

MD. SHAKIL KHAN S/o Late Md. Hanif Khan R/o Village- Murlachak, PO
and P.S.- Warisliganj, Distt- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rajiv Kumar @ Raja S/o Saho Ravidas R/o Village- Murlachak, Ward no. 5,
P.S.- Warisliganj, Distt- Nawada.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The office has reported that notice has validly been served upon respondent no.2, but nobody appears on his behalf today.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 06.09.2022, passed by learned Special Judge, SC/ST Act, Nawada in connection with Warisliganj P.S. Case No.97 of 2020, registered under Sections 147, 148, 149, 341, 323, 307,



504, 506 and 302 of the Indian Penal Code, Section 27 of the Arms Act as well as under Sections 3(i)(r)(s)/3(2)(v) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is not named in the FIR. It is submitted that the appellant is innocent and has falsely been implicated in the present case. The appellant has got one criminal antecedent as stated in paragraph-3 of memo of appeal. It is submitted that during investigation, the appellant is made accused in the instant case. It is further submitted that co-accused, Md. Naim Khan @ Naim Mohammad Khan @ Naim Khan has already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.08.2021, passed in Criminal Appeal (SJ) No.863 of 2021 and the case of the appellant is on better footing.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellant.

Considering the fact that another co-accused person has already been enlarged on anticipatory bail by a co-ordinate Bench of this Court, let appellant, above named, 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 learned Exclusive Special Court SC/ST Act, Nawada in connection with Warisaliganj P.S. Case No.97 of 2020, subject to the conditions 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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