

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3990 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- NAWADA MUFFASIL District- Nawada

KANHAIYA KUMAR @ GOPAL JEE S/O Vinay Singh R/O Village- Neya,
P.S- Mufassil, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Vikash Kumar Das S/O Janki Ravidas R/O Village- Neya, P.S- Muffasil,
District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raj Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP. Mr. Pramod Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-2023 Heard the parties.

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 19.10.2022 passed by learned Special Judge, Exclusive Special Court SC/ST (P.O.A.) Act, Nawada in connection with Muffasil P.S. Case No. 201 of 2022 registered under Sections 341, 323, 325, 427, 504, 506/34 of the Indian Penal Code and Section 3(1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, after some altercation, co-accused abused the



informant by taking his caste name. Thereafter, petitioner along with other co-accused assaulted the informant by means of feet-fist, Danda and *Khanti*. They also misbehaved with his family members.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. There is admitted land dispute between the parties. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is allegation of abusing by taking caste name against one co-accused Ankush Kumar. Slatting the informant/complainant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, as there is no



specific overt act against the appellant and the occurrence took place inside the house, 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 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 the learned Special Judge, Exclusive Special Court SC/ST (P.O.A.) Act, Nawada in connection with Muffasil P.S. Case No. 201 of 2022, 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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