

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3932 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- SAHPUR District- Patna

GUDDU KUMAR S/O Late Sita Ram Rai R/O Village- Nurpur Chandmari,
P.S- Shahpur, District- Patna

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Nirmal Ram S/O Sanjiwan Mochi R/O Village- Noorpur Chandmari, P.S-
Shahpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoranjan Kumar
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 14-03-2023 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the appellant as well as

learned Spl.P.P. for the State.

This appeal has been preferred on behalf of the

appellant under Section 14-A(2) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act for setting aside

the order dated 13.10.2022, passed by the learned Exclusive

Special Court, SC/ST Act, Patna in connection with Special

Case No. 106 of 2021, arising out of Shahpur P.S. Case No. 123

of 2021, registered for the offences punishable under Sections



341, 323, 307, 504, 34 of the Indian Penal Code & 3(1) (r) (s) SC & ST Act, whereby the prayer for regular bail of the appellant has been rejected.

As per allegation, the accused persons named in the FIR entered into the house of the informant and abused him by calling his caste name and also assaulted him. Co-accused Chintu Kumar and Akhilesh Kumar assaulted the son of the informant who got unconscious.

Learned counsel for the appellant has submitted that the allegation against the appellant is general and omnibus and on similar footing co-accused Pankaj Kumar has been granted anticipatory bail and co-accused Chintu Kumar has been granted regular bail by the coordinate Bench of this Court. The appellant is a person of clean antecedent and he is under custody since 20.06.2022.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the accused persons badly assaulted the members of prosecution side.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 13.10.2022, passed by the learned



Exclusive Special Court, SC/ST Act, Patna is set aside.

Accordingly, let the appellant above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST, Patna in connection with Shahpur P.S. Case No. 123 of 2021.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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