

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3993 of 2022**

Arising Out of PS. Case No.-109 Year-2021 Thana- ALIPUR District- Gaya

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1. MUKESH SINGH @ MUKESH KUMAR S/O VINOD SINGH Resident of village- Bohiya, P.S.- Alipur, District- Gaya.
  2. BABLU SINGH @ NITISH KUMAR S/O SUNIL SINGH @ SUNIL KUMAR VERMA Resident of village- Bohiya, P.S.- Alipur, District- Gaya.
  3. AMIT SINGH @ RIKEE RAJ S/O CHANCHAL GURU @ SHAILESH SINGH @ SHILESH KUMAR Resident of village- Bohiya, P.S.- Alipur, District- Gaya.

... .. Appellants.

Versus

1. The State of Bihar
2. PRAKASH KUMAR S/O BAIDNATH PASWAN Resident of village- Prijpura, P.S.- Sakurabad, District- Jehanabad at present Sakaldeep Paswan Son of Late Nathun Paswan, Resident of Village- Kespa, P.S.- Alipur, District- Gaya.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s      | : | Mr. Ujjawal Kumar Singh |
| For the Respondent/s     | : | Mrs. Usha Kumari 1      |
| For the Respondent No.2: |   | Mr. Sunil Kumar Dubey   |
|                          |   | Mr. Suraj Kumar         |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      22-03-2023                      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

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 Exclusive Special Judge (SC/ST Act), Gaya in connection with Alipur P.S.



Case No. 109 of 2021 registered under Sections 188/307/34 of the Indian Penal Code, Section 3(1) (c) & 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act.

While the appellants along with other co-accused was watching a cultural programme, co-accused Nitish Kumar armed with a small gun shot two fires out of which one fire was shot downwards due to which informant sustained injuries in his left leg.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assaulting the informant is not specific rather general and omnibus in nature. It is further submitted that there is no allegation against the appellants of abusing the informant in the caste name. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks



from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Alipur P.S. Case No.109 of 2021, 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)**

Trivedi/-

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