

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4195 of 2022**

Arising Out of PS. Case No.-305 Year-2022 Thana- GARKHA District- Saran

SANTOSH RAI Son of Sukhnandan Rai Resident of village - Balwantola,
P.S.- Doriganj, District - Saran, Chhapra.

... .. Appellant

Versus

1. The State of Bihar
2. Sonu Kumar Son of Amjit Majhi Resident of village - Mubarakpur, P.S.-
Gorkha, District - Saran, Chhapra.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar
	:	Mr. Deep Anshuman
For the Respondent/s	:	Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-04-2023 IA No. 01/2023 has been filed on behalf of the

appellant for condonation of delay of ten days in filing the

present appeal.

For the reasons stated in the limitation petition, the
same is allowed and the delay of ten days in filing the present
appeal is condoned. Accordingly, IA No.01/2023 is disposed of.

Heard learned counsel for the appellant 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 21.07.2022 passed by learned Additional Sessions Judge 3rd Cum Special SC/ST Act Court, Saran in connection with SC & ST Garkha P.S. Case No. 305/2022, registered under Sections 341, 323, 504, 307 and 384/34 of the Indian Penal Code and Section 3(i)(r)(s), 2(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellant. Similarly situated others co-accused persons have already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 12.04.2023 passed in Cr. Appeal (SJ) No.2972/2023. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2 oppose the prayer for bail and submits that the appellant have criminal antecedent which is not mentioned in para-3 of the memo of appeal.

In the facts and circumstances of the case, the impugned order is set aside and this appeal is allowed.

Let 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 enlarged 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 Additional Sessions Judge 3rd Cum Special SC/ST Act Court, Saran in connection with SC & ST Garkha P.S. Case No. 305/2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

However, the learned Court below is directed to verify the criminal antecedent of the appellant. If any criminal antecedent is found against the appellant, the bail bond of the appellant shall not be accepted by the learned Court below.

(Anjani Kumar Sharan, J)

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