

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4186 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- SAHPUR District- Patna

ANKIT KUMAR Son of Pappu Rai @ Ramji Rai R/v- Bhagwatipur, P.S.-
Shahpur, District- Patna

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Rakesh Kr chaudhary son of Late Awadhesh pd C/O Village-
Bhagwatipur,P.S-Shahpur,District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nawal Kishore Prasad
For the Respondent/s	:	Mr. Binay Krishna Mr. Virendra Kr. Ray

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 26-04-2023 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Special Public Prosecutor
for the State.

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
01.09.2022 passed by learned Exclusive Special Judge, SC/ST,
Patna in connection with Shahpur P.S. Case No.222 of 2022,
registered under Sections 341, 323, 342, 307, 504, 506, 385, 34
of the Indian Penal Code and 25 (1-B)a/27 of Arms Act and
Section 3(1) (r), (s) w(ii) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the appellant alongwith other co-accused persons assaulted the informant by means of firearms but anyhow he managed to save himself. It is alleged that co-accused Sahil fired upon the informant and other co-accused persons assaulted him by means of several weapons. When the family members of the informant came to rescue him, they were abused and assaulted the appellants and co-accused persons.

It is submitted by learned counsel for the appellant that 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 enmity and grudge. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. There is no specific allegation of assault 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. Learned counsel for the respondent no.2 submits that the appellant is also



involved in the present case.

Having regard to the facts and circumstances of the case as well as considering the arguments advanced by the parties, 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 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 Exclusive Special Judge, SC/ST, Patna in connection with Shahpur P.S. Case No.222 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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