

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4404 of 2022

Arising Out of PS. Case No.-93 Year-2020 Thana- BAKHTIYARPUR District- Patna

PUNIT KUMAR Son of Jay Ray @ Jay Krishna Ray Resident of Village-
Naya Tola, Bariyarpur, P.S.- Bakhtiyarpur, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar

For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
04.01.2023 but nobody appeared on behalf of 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 20.09.2022 passed by learned Special Judge,
SC/ST Act, Patna in connection with Bakhtiyarpur P.S. Case No.
93/2020, registered under Sections 147, 148, 149, 341, 323 and
307 of the Indian Penal Code, Section 27 of the Arms Act and



Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. No any person was injured in the present occurrence. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. Similarly situated other co-accused person has already been granted anticipatory bail by this court vide order dated 11.01.2023 passed in Cr. Appeal(SJ) No. 3555/2021. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case and the fact that other co-accused person has already been granted anticipatory bail by this Court, 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 Special Judge, SC/ST Act, Patna in connection with Bakhtiyarpur P.S. Case No. 93/2020, 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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