

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.897 of 2024**

Arising Out of PS. Case No.-179 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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Simpu Kumar @ Rambabu Gupta Son of Madan Sah Resident of Village-
Tirbirwa, Police Station- Gopalganj Town, Dist.- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
 2. Akash Kumar Son of Sunil Kumar Baitha Resident of Village- Konhwa
(Kotwa), P.S. and District- Gopalganj
- Respondent/s
- =====

Appearance :

For the Appellant/s : Mr. Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-05-2024 1. Heard learned counsel for the appellant and Mr.

Sadanand Paswan learned Special Public Prosecutor for the

State.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 22.08.2023 in A.B.P. No. 1296 of 2023 passed by
the learned 11th Additional Sessions Judge-cum-Exclusive
Special Judge S.C./S.T. Act, Gopalganj in connection with
Gopalganj Nagar (Gopalganj SC/ST) P.S. Case No. 179 of 2023
registered under Sections 341, 324, 307 and 504/34 of the
Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(v) of



the SC/ST Act.

3. I.A. No. 01 of 2024 has been filed for condonation of delay in preferring this appeal.

4. For the reasons indicated in the interlocutory application, the same is allowed. The delay in filing the memo of appeal is condoned.

5. Accordingly, I.A. No. 01 of 2024 is allowed.

6. Considering the nature of allegation as alleged in the FIR, the Court is not inclined to extend the privilege of anticipatory bail to the appellant as it has been submitted by the learned Spl.P.P. that though the appellant is not alleged to have assaulted the injured by knife but then he is alleged to have caught the injured. It is further submitted that had the appellant not caught the injured in that event Abhishekh Kumar @ Nitesh Kumar could not have inflicted the knife blow. It is next submitted that appellant along with other accused was present at the place of occurrence as such Abhishekh Kumar @ Nitesh Kumar became embolden to commit such an occurrence.

7. Learned counsel appearing on behalf of the appellant submits that similarly situated co-accused Ritesh Kumar @ Ritash Kumar had moved this Court seeking anticipatory bail by filing Cr. Misc. No. 53143 of 2023 and the



same was allowed by a Coordinate Bench of this Court by an order dated 30.08.2023 on which the learned Spl.P.P. submits that from perusal of the order dated 30.08.2023, it appears that by that time the offence under the SC/ST Act was not added in the FIR but in the present case from perusal of the FIR, it appears that the SC/ST Act was added subsequently by order dated 30.05.2023.

8. Since the appellant is alleged to have caught the injured based on which Abhishekh Kumar @ Nitesh Kumar inflicted knife blow to the injured causing injury, as such, the Court is not inclined to extend the privilege of anticipatory bail to the appellant.

9. Hence, this appeal is rejected.

(Satyavrat Verma, J)

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