

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1344 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- SARMERA District- Nalanda

Sanjeev Kumar @ Sanjeev Kumar Sonu S/o Sanjay Prasad Resident of
Village- Jahangirpur, P.S. Sarmera, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Kumar S/o Late Girdhari Das R/o vill and P.O. - Dhanuki, P.S. - Sarmera, Distt. - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manmohan Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-04-2024 1. Heard learned counsel for the appellant and Ms. Usha Kumari No. 1 learned Special Public Prosecution 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 09.01.2024 in A.B.P. No. 2439 of 2023 passed by the learned 6th Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 224 of 2023 registered under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 427, 504 and 302 of the Indian Penal Code and Section 27 of the Arms Act as well



as Sections 3(i)(r)(s), 3(2)(v) of the SC/ST Act.

3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and has been falsely implicated in the instant case by the respondent no. 2. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation is alleged against the appellant and the allegation of firing is against Banti Kumar and Prahalad Kumar who are alleged to have fired causing injury to Ritesh Kumar on his head.

4. Learned Special Public Prosecutor opposes the prayer for anticipatory bail and submits that the allegations are in two parts. The respondent no. 2 initially alleges that he was going to a fair when he was intercepted by four named accused persons including the appellant and five unknown and they started assaulting him by taking caste name but then fairly submits that the allegation of assault and abuse is not specific but thereafter alleges that while he was being assaulted Ritesh Kumar along with Kaushal Kishore Prasad came and when Ritesh Kumar objected that why the accused persons are assaulting the respondent no. 2, it is alleged that Banti Kumar along with Prahalad Kumar fired causing firearm injury to Ritesh Kumar on his head. It is further submitted that Banti



Kumar and Prahalad Kumar were being accompanied by this appellant along with others. It is next submitted that had the appellant along with others would not have accompanied Banti Kumar and Prahalad Kumar they might not have felt emboldened of causing firearm injury and that too on the vital part of the body of Ritesh Kumar.

5. Considering the submissions made by the learned Spl.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the appellant in connection with the aforesaid case.

6. Accordingly, the instant appeal is dismissed.

(Satyavrat Verma, J)

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