

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1477 of 2024

Arising Out of PS. Case No.-619 Year-2023 Thana- FATEHPUR District- Gaya

Anuj Kumar @ Mithun Chakrawarti S/o Krishna Prasad R/o vill - Rasalpur,
Mahugayin, P.S. - Fatehpur, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Chaudhary S/o Arjun Chaudhary R/o vill - Meharpur, P.S. - Fatehpur,
Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anmol Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Shailesh Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 20-12-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 19.02.2024 passed by learned Exclusive
Special Judge, SC/ST, Gaya whereby the prayer for anticipatory
bail of the appellant in connection with Fatehpur P.S. Case No.
619 of 2023 under Sections 341, 323, 324, 307, 379, 504, 147 of
the IPC and Sections 3(i)(g)(s) of SC/ST Act was rejected.

3. The prosecution case, in short, is that this appellant
along with other accused persons assaulted the informant and
other persons accompanying him.



4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. The name of the appellant transpired in this case on the basis of previous enmity. Learned counsel further submitted that the only specific allegation against the appellant is that he along with co-accused Santosh Rajbanshi assaulted Babulal Chaudhary and Arjun Chaudhary by means of sword. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. There is case and counter-case between the parties. The appellant has no intention to disgrace the image of the informant in public view. The appellant has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that there is specific allegation against the appellant of assaulting one Babulal Chaudhary and one Arjun Chaudhary by means of sword and even the injury report supports that allegation as the same states that sharp cut injuries have been sustained by the injured persons which are grievous in nature. Learned SPP, therefore, prays that appellant may not be released on bail.



6. Considering the aforesaid facts and circumstances of the case and there being specific allegation against the appellant of assaulting the injured persons by means of sword which is supported by the nature of injury as per the injury report, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the appeal is dismissed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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