

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1695 of 2024

Arising Out of PS. Case No.-907 Year-2022 Thana- GAYA MUFASIL District- Gaya

Rupesh @ Rupesh Kumar SON OF AMBUJ SINGH RESIDENT OF VIL-
LAGE- DIHA (WRONG ADDRESS GIVEN IN THE FIR AS VILLAGE-
TAPSI BY THE INFORMANT), PS- BELAGANJ, DIST- GAYA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. PAPPU CHAUDHARY SON OF GAYA CHAUDHARY RESIDENT OF
VILLAGE- CHANNA, PS- CHANDAUTI, DIST- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-07-2024 Heard learned counsel for the appellant and learned Spe-
cial Public Prosecutor for the State.

2. Though notice has validly been served upon the respon-
dent no.2, but nobody appears on his behalf.

3. This is an appeal under Section 14(A)(2) of the Sched-
uled 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
27.02.2024 passed by learned Exclusive Special Judge (SC/ST
Act), Gaya in connection with Muffasil P.S. Case No. 907 of
2022 registered under Sections 341, 323, 307, 504, 506, 34 of
the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegation against the appellant is that he along with other co-accused persons abused the informant by taking his caste name and also assaulted him when the informant stopped them from committing theft. After sometime, 20-25 unknown persons came to co-worker Shashi Shankar Singh and assaulted him brutally with *lathi-danda* and iron rod.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No injury was found on the body of Shashi Shankar Singh. He further submits that similarly situated co-accused person has been granted bail by this Court on 10.01.2024 in Cr. APP(SJ) No.2612 of 2023. Appellant has two criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is compromise between the parties, the above named appellant, in the event of his arrest or surrender before the learned Court be-



low 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 Act), Gaya in connection with Muffasil P.S. Case No. 907 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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