

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2051 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- PATLIPUTRA District- Patna

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Anish Kumar Singh @ Anish Son Of Anil Singh Resident Of Village -
Ziradei, Police Station - Ziradei, District - Siwan. At Present Ashiana Boy's
Hostel, Renter Sanjay Kesari's House No. 356, Tulsi Path, Police Station -
Patliputra, District - Patna

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Aayush Sharma Son Of Shri Ram Suman Resident Of Murodh
(MURRAHA), Police Station - Hasanpur, District - Samastipur. At Present
Residing At Renter Sanjay Kesari's House No. 356, Tulsi Path, Police
Station - Patliputra, District - Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Lokesh Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 12-09-2024 Heard learned counsel for the appellant and learned

counsel for the informant as well as 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 in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
28.03.2024 passed by the learned Exclusive Special Judge,
SC/ST Act, Patna in connection with Patliputra P.S. Case No.
121/2021 dated 17.03.2024 registered for the offence/s



punishable u/s 147, 148, 149, 341, 323, 307 read with Section 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s)/3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the appellant is alleged to have fired in the air and again fired which hit on the right side of the chest of the informant.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case under SC/ST Act is made out against the petitioner. As per Annexure-2, injury is simple in nature. The appellant has criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 18.03.2024.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail by submitting that there is specific allegation of firing against the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the



learned counsel for the appellant, the impugned order dated 28.03.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Patliputra P.S. Case No. 121/2021 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Patliputra P.S. Case No. 121/2021.

(Chandra Prakash Singh, J)

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