

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3164 of 2021**

Arising Out of PS. Case No.-34 Year-2020 Thana- SC/ST District- Aurangabad

Bitu Kuamr @ Rajnish Kumar Rajnish Son Of Udesb Mehta Resident Of
Village - Basdiha Ps- Tandva Dist-Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Pravin Kumar Sudeshwar Ram R/o Village-Tandva, P.S.-Tandva, District-Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Pandey
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

5 20-06-2024 1. Heard learned counsel for the appellant and the
learned Special P.P. Mr. Binay Krishna.

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 08.07.2021 in A.B.P. No. 733/2021 passed by the
learned Additional District and Sessions Judge-1-cum-Special
Judge, SC/ST Act, Aurangabad, in connection with SC/ST P.S.
Case No.34/2020 registered under Sections 341, 323, 325, 504,
506, 34 of the Indian Penal Code as well as Sections 3(i)(r)(s)(a)
(o)/3(2)(va) of the SC/ST Act.



3. Learned counsel for the appellant submits that the informant was permitted to be added as respondent no.2 vide order dated 16.05.2022, and thereafter, notices were issued and the same was received by the father of the O.P. No.2, for which an application of jointness was filed, and thereafter, the notices were deemed to have been validly served. The learned counsel for the appellant submits that despite O.P. No.2 receiving notice chooses not to appear and contest, which amply demonstrates the falsity of the allegation. It is also submitted that the appellant at the time of occurrence was aged about 19 years and presently is 22 years of age and on account of dispute which arose during playing of cricket, the instant case came to be instituted with false and exaggerated allegation. It is further submitted that no useful purpose would be served by sending the appellant to jail when informant is not interested in pursuing the case.

4. Learned Special Public Prosecutor Mr. Binay Krishna opposes the prayer for anticipatory bail of the appellant.

5. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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