

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2435 of 2024

Arising Out of PS. Case No.-402 Year-2022 Thana- BAHADURPUR District- Patna

Gaurav Kumar SON OF DEO KUMAR SINGH Resident of Saidpur Hostel,
P.S- Bahadurpur, Dist- Patna , Permanent Resident of Village Kashopur, P.S.
Palliganj, District Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Amar Jyoti Son Of Binod Kumar R/O- Chaubey Ki Chhawani , P.O And P.S
- Agiaon Bazar , Dist- Bhojpur. P/A- B.R. Ambedkar Hostel, Room No- F22,
Saidpur, P.S- Bahadurpur, Dist- Patna, Mob. No.- 9973704105

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2024 The learned counsel for the appellant seeks

permission to rectify the father's name of the appellant in the

description.

2. Permission is accorded.

3. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

4. The appellant has challenged the order dated
06.05.2024 passed by the learned Exclusive Special Judge,
SC/ST, Patna in connection with Bahadurpur P.S. Case No.402
of 2022, instituted for the offences under Sections 147, 148,
149, 341, 323, 504, 506 of the IPC and Section 3(i)(r)(s) of the
SC & ST Act and Section 27 of the Arms Act, whereby their



prayer for grant of anticipatory bail has been rejected.

5. The learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the respondent. It is next submitted all sections of the IPC are bailable and prima facie no offence under the SC/ST Act is made and the allegation under the Arms Act is ornamental as no one was injured nor any empty cartridge was recovered from the place of occurrence. It is next submitted that on intervention of the well wishers the parties have compromised being students.

6. The learned Special P.P. opposes the appeal.

7. Regard being had to the aforesaid submissions, the order dated 06.05.2024 is set aside.

8. The appeal stands allowed.

9. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Patna in connection with Bahadurpur P.S. Case No.402 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. However, the learned trial court before accepting



the bail bonds of the appellant shall verify from the informant with regard to the compromise and in the event, if the informant does not acknowledge the compromise, in that event, the present order shall not be given effect.

(Satyavrat Verma, J)

Prakash Narayan

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