

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2489 of 2024

Arising Out of PS. Case No.-719 Year-2023 Thana- DHANARUA District- Patna

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1. Sanjeev Kumar S/O NAGESHWAR PRASAD R/O VILLAGE-Makhdumpur, P.S.- Dhanarua, DIST- Patna
 2. RAJEEV KUMAR S/O NAGESHWAR PRASAD R/O VILLAGE-Makhdumpur, P.S.- Dhanarua, DIST- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Neelkamal Paswan A.S.I. , Presently Posted In Dhanarua P.S., Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-06-2024 1. Heard learned counsel for the appellants and
learned Spl. P.P. for the State, Ms. Usha Kumari.

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 19-4-2024 in A.B.P. No. 1452 of 2024 passed by the
learned Exclusive Special Judge S.C./S.T., Patna in connection
with Dhanarua P.S. Case No. 719 of 2023 registered for the
offences punishable under Sections 147, 148, 149, 337, 338,
307, 353, 504 and 120B of the Indian Penal Code, Section 27 of
the Arms Act as well as Sections 3(1)(r)(s)/3(2)(va) of the



SC/ST Act.

3. Learned counsel for the appellants submits that appellants have antecedent of one case and have been falsely implicated in the instant case by the informant. It is next submitted that informant is an ASI and he alleges that on receiving information that miscreants are creating trouble, he reached the place of occurrence and saw one person firing who was apprehended, but then the crowd became aggressive and started brick-batting and threw stones on the police force leading to injury of Home Guard Constable Manoj Kumar, further, two persons, Kalender and Mahesh were apprehended who disclosed that the person who was freed by the crowd, was Guddu Kumar @ Alok Raj. The learned counsel submits that from perusal of the allegations as alleged in the FIR, it would manifest that the allegations are general and omnibus in nature and no specific allegation is alleged against the appellants of committing the occurrence. It is next submitted that since police force had reached the place of occurrence, there was a commotion and the appellant, being resident of the said locality, had come out of their house to witness as to what was happening and they came to be implicated.

4. Learned Spl. P.P. for the State opposes the prayer



for anticipatory bail of the appellants.

5. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. Accordingly, the impugned order dated 19-4-2024 is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

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