

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2567 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- NOORSARAI District- Nalanda

ANUP KUMAR @ SONU SON OF AJAY PRASAD R/O- VILLAGE-
MAYAR, P.S.- NOORSARAI, DISTT.- NALANDA

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. ABHAY KUMAR SON OF PAPPU PASWAN R/O- VILLAGE-
SUNDARPUR, P.S.- SALIMPUR, DISTT.- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Parmanand Prasad, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

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

ORAL ORDER

- 3 08-08-2024 Heard learned counsel for the appellant and learned
Spl. P.P. 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 against the rejection of prayer for bail of the appellant vide order dated 08.05.2024 by the learned Additional Sessions Judge-VI-cum-Special Judge SC/ST(Prevention of Atrocity)Act, Bihar Sharif, Nalanda in connection with Noorsarai P.S. Case No. 127 of 2024 dated 26.03.2024 registered for the alleged offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code and Sections 3(i)(r)(s)/ 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act.



3. As per prosecution case, when the informant was sitting with his cousin brother on the occasion of holi, the appellant and the co-accused persons along with 4 unknown persons are alleged to have come there and started abusing the informant by calling his caste name and also fired their pistol one by one. The co-accused, Aakash fired on the informant which hit his left leg and the appellant fired on him which hit the earth due to which he fell down. The accused persons also assaulted the informant's cousin brother. On hulla, villagers and police came there and apprehended the appellants along with the co-accused person. Thereafter, the injured was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is a case and counter case between the parties. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. Learned counsel has further submitted that the appellant fired on the informant but it did not hit anybody rather it was hit the earth. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since



27.03.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of 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 08.05.2024 by the learned Additional Sessions Judge-VI-cum-Special Judge SC/ST (Prevention of Atrocity)Act, Bihar Sharif, Nalanda in connection with Noorsarai P.S. Case No. 127 of 2024, 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 Additional Sessions Judge-VI-cum-Special Judge SC/ST (Prevention of Atrocity)Act, Bihar Sharif, Nalanda in connection with Noorsarai P.S. Case No. 127 of 2024.

(Chandra Prakash Singh, J)

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