

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2793 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- BHAGWANPUR District- Begusarai

GUDDU KUMAR @ RUPESH KUMAR S/O PINTU JHA R/O VILLAGE-
BASU TOL, KABIYA, P.S- BHAGWANPUR, DISTT.- BEGUSARAI.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KHUSHBU BHARTI W/O AURSIL PASWAN (ORSIL PASWAN) R/O
VILLAGE- HARICHAK, WARD NO. 13, POST- SANJAT, P.S-
BHAGWANPUR, DISTT- BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. Sadanand Paswan, , Spl.PP
For Respondent No. 2	:	Ms.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-08-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 28.05.2024, passed in a case registered for the offence punishable under Sections 447, 504, 560 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on 19.04.2024 at about 06:40 PM, this petitioner along with co-accused Himanshu Kumar, having pistol in their hand arrived, on a bullet motorcycle and started to search Aursil Paswan, who happens to



be husband of informant, and thereafter, started abusing by caste name and directed to come out of the house. It is further alleged that they also shot three rounds of firing and fled away.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has falsely been implicated in this case due to Panchayat elections since because Mukhiyan of the Panchayat and this appellant are supporters of different groups. It is further submitted that though there is allegation of firing against this appellant but no one has sustained any fire arm injuries. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 28.05.2024 passed by the Court of learned Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Begusarai, in connection with A.B.P. No. 971 of 2024 is



hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Begusarai, in connection with Bhagwanpur P.S. Case No. 105 of 2024.

(Prabhat Kumar Singh, J)

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