

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2785 of 2024

Arising Out of PS. Case No.-470 Year-2023 Thana- BAKHTIYARPUR District- Patna

Anant Kumar @ Anand Kumar Son of Ajit Singh R/O VILL.-DEDAUR, P.
S.-BAKHTIYARPUR, DIST- PATNA.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Karu Kumar Son of Rajdev Das r/o vill.- Champapur, Siman, p.s.-
Bakhtiyarpur, Dist. -Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jay Ram Prasad
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 24-09-2024 Heard the learned counsel for the parties.

2. This memo of appeal has been preferred on behalf of the appellant under Section 14(A)(2) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, hereinafter to be referred to as ‘the Act’, for setting aside the order dated 22.05.2024, passed by the learned Exclusive Special Judge SC/ST Act, Patna in connection with Bakhtiyarpur P.S.Case No. 470 of 2023, registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) (w) of ‘the Act’, whereby the prayer for bail of the appellant has



been rejected.

3. As per allegation, while the informant's brother was going home, the appellant with other co-accused persons intercepted the victim, tied him to a tree and started thrashing and fired bullet which hit a girl, namely, Ganita Kumari

4. The learned counsel for the appellant has submitted that the appellant is innocent and the entire allegation is false and fabricated. The allegation of firing is not specifically levelled against the appellant, rather it is general and omnibus. The learned counsel has also submitted that in the entire FIR, there is nothing to show that the occurrence has taken place due to malicious feeling of caste. It has further been submitted that the appellant is in custody since 10.04.2024.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail.

6. Considering the above facts and circumstances, especially the clean antecedents and keeping in view the period of custody, the appeal is allowed and the impugned order dated 22.05.2024 is set aside. Accordingly, let the appellant, above named, be released 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 Exclusive Special Judge SC/ST



Patna in connection with Bakhtiyarpur P.S.Case No. 470 of 2023, subject to the following conditions:-

1. The appellant shall cooperate in the disposal of trial and make himself available on each and every date fixed at the trial till framing of charge, and if he fails to appear on two consecutive dates, unless he is prevented by extremely adverse circumstances, the court below shall be at liberty to cancel his bail bond.

2. Before accepting the bail bond, the criminal antecedent of the appellant shall be verified by the court below and if the appellant is found involved in any other case, except the present one, his bail bond shall be liable to be cancelled.

(Nawneet Kumar Pandey, J)

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