

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3119 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- BARBIGHA District- Sheikhpura

1. GAUTAM KUMAR SON OF GUDDU KUMAR @ AJAY RAM @ GUDDU RAM RESIDENT OF VILLAGE/ MOHALLA - NURSARY NARAYANPUR, POLICE STATION - BARBIGHA AND DISTRICT - SHEIKHPURA
2. KUNDAN KUMAR @ KUNDI YADAV SON OF ANIL YADAV RESIDENT OF VILLAGE/ MOHALLA - NURSARY NARAYANPUR, POLICE STATION - BARBIGHA AND DISTRICT - SHEIKHPURA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MUNNI DEVI WIFE OF KAILASH KUMAR RESIDENT OF VILLAGE - NARAYANPUR, POLICE STATION - BARBIGHA, DISTRICT - SHEIKHPURA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-08-2024 1. Learned counsel for the appellants seeks permission to withdraw the appeal with respect to appellant no. 2, namely, Kundan Kumar @ Kundi Yadav.
2. Permission is accorded.
3. Accordingly, the appeal with respect to appellant no. 2 is dismissed as withdrawn.
4. Heard learned counsel for the appellant no. 1 and learned Spl.P.P. for the State.
5. 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 25.06.2024 in A.B.P. No. 363 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Sheikhpura in connection with Barbigha P.S. Case No. 96 of 2024 registered under Sections 447, 354(A), 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s), 3(i)(d) and 3(i)(dh) of the SC/ST Act.

6. The informant alleges that on 26.03.2024 at 08:00 p.m. she went to purchase incense stick for repelling mosquito when 10-12 accused on 4-5 motorcycles came and started abusing. It is further alleged that on seeing the informant they stopped the motorcycles and on orders of Ajay Yadav accused Chandan Kumar pulled her blouse on account of which her blouse was torn. It is next alleged that Vikash Kumar abused her by taking caste name and said blouse has been torn for putting Holi colour, thereafter Gautam Kumar abused by taking caste name. It is further alleged that Om Shankar also abused her by taking caste name and on alarm the accused persons fled away leaving the motorcycles when the villagers started gathering.

7. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case and



from perusal of the allegation as alleged in the FIR, it would manifest that the same is general and omnibus in nature as it has been alleged that this appellant also abused by taking caste name. It is further submitted that though the informant alleges that on alarm villagers gathered on account of which the accused persons fled away but name of the persons who witnessed the occurrence has not been disclosed in the FIR which casts an aspersion on the case of the prosecution. It is next submitted that appellant will not abscond rather will cooperate in the investigation.

8. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

9. Considering the aforesaid facts, let the appellant no. 1, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

10. Accordingly, the impugned order with respect of



appellant no. 1 is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

Kundan/-

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