

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3785 of 2023

Arising Out of PS. Case No.-822 Year-2022 Thana- PATLIPUTRA District- Patna

GULSHAN KUMAR S/o- LATE VIMAL SINGH Village- Indupur Ps-
Barahiya Dist- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rajnish Govind son of Late Videshi Ram Village- Pirokhar Ps- Madhuapur
Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Parmod Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

5 29-03-2024 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 against the refusal of prayer for anticipatory bail vide order dated 14.07.2023 passed by the learned court of Spl. Judge, Patna (SC/ST Act) in connection with A.B.P. No. 3457/2023, arising out of Patliputra P.S. Case No. 822 of 2022, SI. No. 387/2022, registered for the alleged offences under Sections 384, 364A, 504, 323 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(v) SC/ST Atrocities Prevention Act, 1989.

3. As per the prosecution case, the appellant and other



co-accused persons are alleged to have abused the brother of the informant by calling his caste name and also kidnapped him. It is further alleged that a ransom of Rs. 5,00,000/- was also demanded by the co-accused Parshuram Singh and also threatened to kill his brother if the demand was not fulfilled.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The name of the appellant has sprung up in the confessional statement of co-accused Parshuram Singh. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has never demanded any ransom from the informant. The appellant has no criminal antecedent mentioned in para 3 of the appeal.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory 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 learned counsel for the appellant, the impugned order dated 14.07.2023



passed by the learned court of Spl. Judge, SC/ST, Patna in connection with A.B.P. No. 3457/2023, arising out of Patliputra P.S. Case No. 822 of 2022, SI. No. 387/2022 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned court of Spl. Judge, SC/ST, Patna in A.B.P. No. 3457/2023, arising out of Patliputra P.S. Case No. 822 of 2022, SI. No. 387/2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

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