

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3850 of 2023

Arising Out of PS. Case No.-242 Year-2022 Thana- MOKAMAH District- Patna

SANDHEER KUMAR S/O KISHORI YADAV R/O VILLAGE-
GOSAIGAN, P.O- DHANAK DOBH, P.S- GHOSHWARI, DISTT.- PATNA.
... .. Appellant/s

Versus

1. The State of Bihar
2. CHAND KUMAR S/O ANIL PASWAN R/O VILLAGE- KANHAIPUR,
WARD NO. 13, P.S- MOKAMA, DISTT.- PATNA.
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 28-11-2024 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 26.07.2023, passed by learned Exclusive Special Judge SC/ST Act, Patna, in ABP No. 5704 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Mokama Police Station Case No. 242 of 2022 registered for the offence punishable under Sections 341/323/504/34 of the Indian Penal Code and Section 3 (i)(r)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.



3. The prosecution case, as per the First Information Report, is that on 11.08.2022, the accused persons, armed with deadly weapons assaulted the informant and when the informant's friend came to rescue, he was also assaulted by the accused persons with butt of pistol.
4. Learned counsel for the appellant submits that the appellant has not committed any offence in the manner alleged and he has falsely been implicated in the present case due to village politics and on the basis of suspicion. He next submits that the appellant is not named in the First Information Report and specific overt act has not been alleged against him. He further submits that FIR named accused persons, namely, Goletan Kumar @ Tusar @ Gautam and Sudama Kumar Yadav @ Sudal, have been granted anticipatory bail by Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 09 of 2023.
5. Learned counsel for the State submits that as per the Section 15A(3) of the of the Scheduled Cast and Scheduled Tribe (Prevention of Atrocities) Act, 1989, the information regarding present case has already been given to the respondent no. 2.
6. Despite service of notice and information, no one appeared on behalf of the respondent no. 2



7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the appellant is not named in the First Information Report and the FIR named accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the appellant privilege of anticipatory bail.
8. This appeal is, accordingly, allowed and the order, dated 26.07.2023, passed by learned Exclusive Special Judge, SC/ST Act, Patna, in ABP No. 5704 of 2023, is set aside.
9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna, in connection with Mokama Police Station Case No. 242 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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