

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4091 of 2023

Arising Out of PS. Case No.-248 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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TUNNU LAL GUPTA @ RAM GUPTA son of late Rajendra Prasad Gupta
Village- Bishunganj Ps- Magadh Medical Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Surajdeo Chaudhary, S/O Faguni Chaudhary, R/o Village- Bishunganj, P.S.
Magadh Medical, District- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Sudhir Kumar Sinha, Advocate
For the State	:	Mr. Sadanand Paswan, , Spl.PP
For Respondent No. 2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-08-2024 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 22.07.2023 passed in a case registered for the offence
punishable under Sections 341 and 504 of the Indian Penal Code
and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of the appellant has been rejected.

4. As per prosecution case, on 22.05.2023 at about 9



PM in the night, while the informant was returning home from his office Bajaj Finance and reached near Kashpuri pond, this appellant, along with his associates, dashed the motorcycle of informant and abused him by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellant that the present case is counter-blast of Magadh Medical P.S. Case No. 249 of 2023, which has been lodged by this appellant against the informant and others. From bare perusal of the F.I.R. it is apparent that there is no allegation of assault or any overt act against this appellant. It is further submitted that it is not the case of the prosecution that any member of the public was present at the place of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 22.07.2023 passed by the learned Exclusive Special Judge, SC/ST Special Court, Gaya, in connection with A.B.P. No. 248 of 2023 arising out of Magadh Medical P.S. Case No. 248 of



2023 is hereby set aside with respect to this appellant only.

8. 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 Exclusive Special Judge, SC/ST, Special Court, Gaya, in connection with A.B.P. No. 248 of 2023 arising out of Magadh Medical P.S. Case No. 248 of 2023.

(Prabhat Kumar Singh, J)

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