

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4381 of 2023

Arising Out of PS. Case No.-6 Year-2020 Thana- FATUA District- Patna

Shiva Kumar @ Janardhan Kumar Son Of Naresh Yadav @ Naresh Singh
Resident Of Village - Gauri Pundah, Police Station - Fatuha, District - Patna

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Nagina Paswan Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Awadhesh Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

- 3 05-04-2024 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 11.07.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Fatuha P.S. Case No. 06 of 2020, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 427, 379, 504, 506 of the Indian Penal Code, Section 27 of the Arms act and Section 3(1)(r)(s) of the S.C./S.T. Act.

3. As per the prosecution case, the appellant and other co-accused persons are alleged to have assaulted the informant by means of *lathi* and butt of gun and also abused him by taking his caste



name.

4. Learned counsel for the appellant submitted that the appellant is innocent and has falsely been implicated in this case. 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 incident and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated in para 3 of the appeal. Similarly situated co-accused persons are granted anticipatory bail by a coordinate Bench of this Court vide order dated 20.02.2021 passed in Cr. Appeal (SJ) No. 1207 of 2020.

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 and submitted that the occurrence is said to be taken place at the door of the informant.

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 11.07.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Fatuha P.S. Case No. 06 of 2020 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 Exclusive Special Judge, SC/ST Act, Patna in connection with Fatuha P.S. Case No. 06 of 2020, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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