

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4904 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- BIKRAM District- Patna

BIJENDRA SINGH @ VIJENDRA KUMAR SHARMA @ BIRENDRA
SINGH @ B.K. SHARMA S/O LATE SHAHJANAND SHARMA @
SHAHJANAND SINGH R/O- CHOTKI BALIYARI, PS. BIKRAM, DIST.
PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. JAI PRAKASH KUMAR S/O LATE RAMBALAK KUMAR VILLAGE-
BARKI BALIYARI, PS. BIKRAM, DIST. PATNA

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Madhukar Anand, Advocate
For the State	:	Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 15.09.2023, passed in a case registered for the offence punishable under sections 341, 323, 504, 506 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 33(i)(r)(s) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, while the informant and his cousin brother, namely Sonu Kumar, were going to Aarap Bazar, co-accused Mrityunjay Kumar came and asked them to come with



him for doing labour work. On refusal, all the accused persons named in the F.I.R., including this appellant, abused the informant and his brother. It is further alleged that thereafter, this appellant and co-accused Mrityunjay Kumar fired upon the informant.

4. It is submitted by learned counsel appearing on behalf of the appellant that the present case is counter blast of Bikram P.S. Case No. 100 of 2023. Though there is allegation of firing against this appellant but no one has sustained any fire arm injuries. There is no allegation of abuse by caste name and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Ac is made out. Appellant claims clean antecedents.

5. Learned Spl.P.P. for the State has opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 15.09.2023 passed by the Court of learned Special Judge (SC & ST Act), Patna, in connection with Bikram P.S. Case No. 97 of 2023 is hereby set aside with respect to these appellants only.

7. 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 the learned Special Judge (SC & ST Act), Patna, in connection with Bikram P.S. Case No. 97 of 2023.

(Prabhat Kumar Singh, J)

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