

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5002 of 2023

Arising Out of PS. Case No.-263 Year-2023 Thana- KHAGAUL District- Patna

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VIVEK KUMAR S/o DEVANAND PRASAD @ DEVANAND KUMAR R/o
Neura Colony, Post Office Road, P.S. - Khagaul, Dist - Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sujata Devi W/o Late Sanjay Kumar R/o Garikhana, P.S. - Khagaul, Dist - Patna, Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ghanshyam Tiwary
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-05-2024 1. 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 (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 29-9-2023 in A.B.P. No. 8740 of 2023 passed by the
learned Exclusive Special Court S.C./S.T. (POA) Act, Patna in
connection with Khagaul P.S. Case No. 263 of 2023 registered
for the offences punishable under Sections 147, 149, 341, 323,
504, and 354 of the Indian Penal Code, Sections 3(1)(r)(s), 3(2)
(va) of the SC/ST Act and Section 37(B)(C) of Bihar Prohibition



and Excise Amendment Act.

3. Learned counsel for the appellant submits that from perusal of the office report dated 2-5-2024, it would manifest that the same records that the notice has been validly served upon the OP No. 2, as per service report.

4. Since the notice has been received by the Respondent No. 2, as such, the notice is deemed to have been validly served.

5. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of Annexure-2 to the appeal, it would manifest that appellant also belongs to the SC community as such the provision of SC/ST Act does not get attracted against the appellant. It is further submitted that all the sections of the IPC are bailable except Section 354 of the IPC, but then in the nature of allegation, *prima facie*, no offence under Section 354 IPC is made out.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

7. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender before the learned trial court below within a period of six weeks from



today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order dated 29-9-2023 is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

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