

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5144 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- VISHNUPAD District- Gaya

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1. Raushan Kumar @ Raushan Raj S/O Munna Yadav R/O Village- Gopibigha, P.S- Magadh Medical, Distt.- Gaya, Bihar.
 2. Aman Kumar S/O Ajay Yadav R/O Village- Gopibigha, P.S- Magadh Medical, Distt.- Gaya, Bihar.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Niraj Kumar S/O Shankar Das @ Shankar Ram R/O Village- Chornima, P.S- Mohanpur, Distt.- Gaya, Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-02-2024 1. Heard learned counsel for the appellants 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 3-10-2023 in A.B.P. No. 303/2023 passed by the learned Exclusive Special Judge S.C./S.T., Gaya, in connection with Vishnupad P.S. Case No. 167 of 2023 registered for the offences punishable under Sections 341, 323, 308, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the



SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are person with clan antecedents and are students. It is next submitted that in the event if the appellants are sent to jail their entire career would be jeopardized and chances are bright that they will come in contact with hardened criminals which would further restrict their future prospects. It is next submitted that in the nature of allegation as alleged in the FIR, it would manifest that the allegations are general and omnibus in nature. It is also submitted that the parties have compromised, as would manifest from Annexure-2 to the appeal.

4. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

5. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below 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.



6. Accordingly the appeal stands allowed.

7. However, it is made clear that OP No. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the appellants, in the event if no compromise had taken place in between the parties.

(Satyavrat Verma, J)

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