

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.609 of 2024**

Arising Out of PS. Case No.-133 Year-2023 Thana- GURUA District- Gaya

Niranjan Kumar Das @ Niranjan Das Son of Lalmunni Das @ Lalmuni Das
Kumar Singh Resident of Village- Raksha Nagwan Garh, PS- Gurua, District-
Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Pintu Kumar Son of Shiv Nath Chaudhary, Resident of Village- Naudiha,
P.S.- Gurua, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvnendra Kumar Thakur, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 10-07-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 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 “SC/ST Act”)
against the refusal of prayer for anticipatory bail of the appellant
vide order dated 22.12.2023 passed by the learned Special
Judge, SC/ST Spl Court, Gaya, in connection with A.B.P. No.
433 of 2023, arising out of Gurua P.S. Case No. 133 of 2023
dated 15.03.2023 registered for the alleged offences punishable
under Sections 341, 323, 447, 307, 385, 379 and 506 read with



section 34 of the Indian Penal Code and under Sections 3(1)(r) (s) / 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 10.03.2023 at about 04:30 PM, the FIR named co-accused persons along with the appellant came at the chowmein shop of the informant and demanded chowmein free of cost. On protest, the co-accused persons along with 15 other persons who were armed with weapons came and assaulted the informant and his family members. They tried to outrage the modesty of informant's mother and sister-in-law and also threatened to commit serious crime with him and his family members. The co-accused persons also took cash of Rs. 15,000/- from informant's shop and snatched the *mangalsutra* and nose-pin, ear-ring and mobile phone is his family members.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Learned counsel further submitted that no specific allegation is levelled against the appellant, rather the allegation is general and omnibus in nature. Learned counsel next submitted that as per FIR, the date of occurrence is on 10.03.2023, but the FIR has been lodged on 15.03.2023 after a



delay of five days without giving any explanation for the said delay. Learned Counsel further submitted that caste name was not disclosed by anyone at the time of alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel further submitted that no particular caste name has been called out by the appellant, hence no case is made out under SC/ST (PoA) Act. The co-accused persons namely, Gautam Kumar Chaudhary and Karnal Chaudhary have been granted the privilege of anticipatory bail by this Court *vide* order dated 23.02.2024 passed in Cr. Appeal (SJ) No. 3608 of 2023. The appellant claims clean antecedent.

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.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellant, the impugned order dated 22.12.2023 passed by the learned Special Judge, SC/ST Spl Court, Gaya in connection with A.B.P. No. 433 of 2023, arising out of Gurua P.S. Case No. 133 of 2023, 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 the learned Special Judge, SC/ST Spl Court, Gaya in connection with A.B.P. No. 433 of 2023, arising out of Gurua P.S. Case No. 133 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Shahnawaz/-

U		T	
---	--	---	--

