

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.488 of 2024

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

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Anil Paswan @ Anil Kumar son of Ramkrit Paswan @ Ramkrit Gahlaut
Village- Raksha Panchayat Nagwanganh Ps- Gurua Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pintu Kumar son of Shiv Nath Choudhary Village- Naudhiya Ps- Gurua Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Akash Shankar, Adv.

For the Respondent/s : Ms.Usha Kumari 1,Spl.PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 28-02-2025 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 in short referred to as the 'SC/ST Act'), against the refusal of prayer of anticipatory bail of the appellants vide order dated 24.05.2023, passed by the learned Exclusive Special Judge, SC/ST, Gaya, in connection with Gurua P.S. Case No. 133 of 2023, registered for the offences punishable under Sections 341, 323, 447, 307, 385, 379, 506/34 of the I.P.C. and Sections 3(1)(r)(s) and 3(2)(v) of the SC/ST Act.



3. The prosecution case, in brief, is that on 10.03.2023 at about 4.30 P.M., the co-accused, Karnal Chaudhary, Guddu Singh, Suranjan Dangi, Niranjana Das, Raghunandan Sao and Ravi Kumar Das came at the Choumin Shop of the informant and abused by calling his caste name and demanded Choumin free of cost. On protest, they alongwith 15 others armed with weapons came and assaulted him, his mother, sister-in-law (Bhabhi). The co-accused Suranjan Dangi, Niranjana Das, Guddu Singh, Karnal Chaudhary assaulted him with bat and hockey stick. The co-accused Niranjana took out pistol from his waist and assaulted with hockey causing head injury and he fell down and became unconscious. When he regained his consciousness, he found himself on the pool of blood. The co-accused Niranjana Das, Guddu Singh, Amit Paswan, Karnal Chaudhary, Suranjan Dangi tore the blouse of his mother and sister-in-law (Bhabhi). They threatened to commit serious crime with him and his family members. The accused persons also took cash of Rs. 15,000/- from the shop and snatched the Mangalsutra and nose-pin, ear-ring and mobile phone of his brother.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been



implicated in the present case due to ulterior motive. There is general and omnibus allegation against the appellant rather the specific allegation is against the co-accused persons. It is further submitted that the occurrence took place on 10.03.2023 and the F.I.R. was lodged on 15.03.2023 for which no explanation has been given by the prosecution. It is further submitted that no injury report is on the record to substantiate the allegation of assault against the appellant. Hence, no offence under Section 307 of the I.P.C., is made out against the appellant. Both the parties belong to the same caste. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence. Hence, no offence under SC/ST Act is made out against the appellant. The appellant has no concern with the alleged offence. The co-accused person has already been granted anticipatory bail by this court vide order dated 23.02.2024 passed in Cr. Appeal (S.J) No. 3608 of 2023. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal.

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

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 24.05.2023, passed by the



learned Exclusive Special Judge, SC/ST, Gaya, in connection with 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 or 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 Exclusive Special Judge, SC/ST Gaya, in connection with Gurua P.S. Case No. 133 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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