

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2355 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- DIGHA District- Patna

Kunal Kumar @ Kunal Rai son of Jhulan Rai R/o- Digha Devi Sthan Uttari
Gali Ps- Digha Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Piyush Anand Ram son of Jagta Anand Ram Village- Fully Po- Dighita, P.S. - Darihat Dist- Rohtas Bihar P/A- Badal Apt. Ps- Digha Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Maharaj, Advocate

For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-02-2025 Heard learned counsel for the parties. Despite
valid service of notice , nobody appears on behalf of respondent
No. 2.

2. This appeal has been filed for setting aside order dated 20.04.2024 passed in a case registered for the offence punishable under sections 341 , 323 , 379, 307, 337, 504, 506 and 34 of the Indian Penal Code and sections 3(1) 9 r) (s) & 3 (2)(v) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on 27.02.2024 when informant with his friends was going to construction site , in the meantime this appellant along with 10 to 15 unknown persons assaulted informant and others and also took away gold chain from them.

4. It is submitted that due to land dispute between the parties , this false and concocted case has been lodged. Allegation of assault is general and omnibus. There is no injury report on record to substantiate the allegation of assault. There is no allegation of abuse by case name against this appellant, as such, no case under SC/ST Act is made out.

5 . Learned Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 Exclusive Special SC/St



Act Patna in connection with Digha Police Station Case No.
143 of 2023 .

(Prabhat Kumar Singh, J)

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