

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3747 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- BARHARA KOTHI District- Purnia

Nitish Kumar Son of Shri Anmol Yadav Village- Bhangha Tula Ps- Barhara
Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dilkhush Kumar son of Village- Bhagaha Tula Ps- Barhara Kothi Dist-
Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Diksha Kumari, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Sp.P.P

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

ORAL ORDER

3 27-03-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for anticipatory bail
vide order dated 20.07.2024 passed by the learned Special
Judge, SC/ST Act, Purnea in connection with A.B.A. 57 of 2024
arising out of Barhara Kothi P.S. Case No. 179 of 2023 dated
25.04.2023 registered for the offence/s punishable u/s 302 and
201 read with section 34 of the Indian Penal Code and Section
3(2)(v) of the SC/ST Act.



3. As per the prosecution case, it is alleged that the grandfather of the informant Seebo Rishidev has been killed by the accused persons including the appellant and they also abused him by calling caste name.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is a delay of 2 days in lodging the F.I.R. The informant is not the eye witness of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The co-accused person has been granted bail by the Co-ordinate Bench of this Court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 4010 of 2023. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 20.07.2024 passed by the learned Special Judge, SC/ST Act, Purnea in connection with



A.B.A. 57 of 2024 arising out of Barhara P.S. Case No. 179 of 2023, is set aside against the appellant. The criminal appeal is allowed.

6. 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 Special Judge, SC/ST Act, Purnea in connection with A.B.A. 57 of 2024 arising out of Barhara P.S. Case No. 179 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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