

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1960 of 2020**

Arising Out of PS. Case No.-768 Year-2019 Thana- KANTI THARMAL POWER District-  
Muzaffarpur

- 
1. RAHUL KUMAR son of Baleshwar Singh
  2. Shivam Kumar @ Babu Saheb son of Baleshwar Singh  
Both are resident of village- Yadu Dharampur Chapra, P.S. Kanti,  
District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Shashi Bhushan Kumar Manglam

For the Respondent/s : Mr. Sadanand Paswa, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

2      18-12-2020                      Heard learned counsel for the appellants and learned  
Special P.P. for the State through video conferencing.

The present appeal has been filed against the order dated 29.06.2020 passed by learned 9<sup>th</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Muzaffarpur, in connection with Kanti P.S. Case No. 768/2019 registered for the offences punishable under Sections 448/341/323/354(B)/504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on 13.10.2019, all the



appellants entered into the house of the brother of the informant, namely, Dayanand Sharma and abused him by caste name and assaulted him by hard and blunt substance. It is further alleged that other female members of the house were also assaulted by fists and slaps.

It is submitted on behalf of the appellants that they have been falsely implicated in this case with a view to disgrace and demoralize the member of their community. It is further submitted that no such occurrence has taken place and due to old enmity the appellants have been implicated in this case.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 29.06.2020 passed by 9<sup>th</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Muzaffarpur, in connection with Kanti P.S. Case No. 768/2019 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or 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) each with two sureties of the like amount each to the satisfaction of learned 9<sup>th</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Muzaffarpur in connection with Kanti P.S.



Case No. 768/2019.

**(Prabhat Kumar Singh, J)**

Saif/-

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