

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1979 of 2020

Arising Out of PS. Case No.-303 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SHAILESH KUMAR S/O N.P. Gupta Resident of Lal bagh Tilka Manjhi, P.S.
- Kotwali Tilka Manjhi, Dist. - Bhagalpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ratanakar Jha
For the Respondent/s : Mr. Binay Krishna, 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 appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against the order dated 08.09.2020 passed by learned Additional District and Sessions Judge III cum Special Judge SC/ST Act, Bhagalpur, in connection with Kotwali Tilka Manjhi P.S. Case No. 303/2020 registered for the offences punishable under Sections 341/323/504/506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant was rejected.

As per the prosecution case, on 30.06.2020, it is alleged that this appellant whispered something and as a result



of which other unknown FIR named persons abused him by calling caste name and gave fist blow on the left ear of the informant causing severe injury.

It is submitted on behalf of the appellant that allegation against the appellant is only to have whispered and no overtact is alleged. It is further submitted that appellant has been falsely implicated in this case and no case under SC/ST Act is made out as appellant has not abused him by caste name. The appellant has got no criminal antecedent as stated in paragraph No. 3 of the petition.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 08.09.2020 passed by learned Additional District and Sessions Judge III cum Special Judge SC/ST Act, Bhagalpur, in connection with Kotwali Tilka Manjhi P.S. Case No. 303/2020 is set aside and appeal is allowed.

Accordingly, let the appellant, 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 to the satisfaction of learned Additional District and Sessions Judge III



cum Special Judge SC/ST Act, Bhagalpur in connection with
Kotwali Tilka Manjhi P.S. Case No. 303/2020.

(Prabhat Kumar Singh, J)

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