

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4634 of 2019

Arising Out of PS. Case No.-19 Year-2017 Thana- COMPLAINT CASE District- Kishanganj

1. Sushil Kumar Madhok @ Sushil Madhok, S/o Late Kishan Lal Madhok Resident of D-7, 7440, P.S.- Basantkunj, Distt.- South West Delhi (New Delhi). At present residing B-2 Kribhko Apartment, Udham Singh Sarani, Punjabi Para, Siliguri, P.S.- Siliguri O.P., Distt.- Darjeeling (W.B.)
2. Raghavendra Tripathy @ Raghwendra Tripathi S/o Late Dudhnath Tripathy R/o village- Bhaluani, P.S.- Bhaluani, Distt.- Deoria (U.P.). At present residing B-2 Kribhko Apartment, Udham Singh Sarani, Punjabi Para, Siliguri, P.S.- Siliguri O.P., Distt.- Darjeeling (W.B.)

... .. Appellant/s

Versus

1. The State of Bihar
2. Pranay Ghatani, S/o Sri Suk Lal Ghatani, R/o village- Shantinagar, Tripai Road, Kalingpong, P.S.- Kalingpong, District- Darjeeling (West bengal)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramesh Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-01-2020 This appeal has been filed against the order dated 06.09.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Kishanganj in connection with Complaint Case No. C-19 of 2017 arising out of Special (SC/ST) Case No. 33 of 2019, disclosing offences under Section 323 of the Indian Penal Code and Section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act.

As per complaint case the informant claims to be earlier the employee of the appellant and he be left his job, as the complainant has not provided the proper wages and while he



was engaged in another company, they came and torn the clothes and also abused her by taking caste name and by dashing on the ground asking her to lick spit.

Submission of the learned counsel for the appellant is that as a matter of fact, prior to lodging of this complaint, a complaint case has been lodged by the appellant against the complainant and others and due to that present case has been lodged, which appears to be the dispute between two companies. It has further been submitted that there is no intention to humiliate the informant due to his caste.

Heard learned Special P.P. as well as learned counsel for the informant, they have opposed the prayer for anticipatory bail on the ground that knowing well he belongs to the SC community, they have torn the clothes and also forced him to lick spit.

Having heard both sides, considering the above submissions, made above, this appeal is allowed. The impugned order dated 06.09.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Kishanganj in connection with Complaint Case No. C-19 of 2017 arising out of Special (SC/ST) Case No. 33 of 2019, is set aside. Let the appellant, above named, in the event of his arrest or surrender before the



court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Kishanganj in connection with Complaint Case No. C-19 of 2017 arising out of Special (SC/ST) Case No. 33 of 2019 with condition to appear as and when required and co-operate in disposal of the complaint petition.

(Vinod Kumar Sinha, J)

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