

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5851 of 2019**

Arising Out of PS. Case No.-376 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

Shibu @ Sabbu @ Shamim Akhtar, aged 24 years Son Of Munna Alam
Resident Of Mohalla - Darga Road, P.S.- Gopalganj, Distt.- Gopalganj
... Appellant

Versus

The State Of Bihar

... Respondent

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Singh, Advocate
For the Respondent/s : Usha Kumari 1, Spl.PP

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

2 06-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 15.11.19, passed by learned Additional Sessions Judge I Gopalganj in a case registered for the offence punishable under Sections 323/354 and other allied sections of the Indian Penal Code and Section 3 (i) (r) (s) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

The allegation against the appellants as per the First Information Report is that on 11.8.2019 at about 7 pm the appellant and other accused persons came to informant's shop and the appellant started assaulting him with fists and slaps and on protest he gave him knife blow causing injury on his chest.

Learned counsel for the appellant submits that the appellant has falsely been implicated in this case due to previous enmity. Section 307 Indian Penal Code is not made out as the injury sustained by the victim was merely lacerated wound of simple in nature. From perusal of the FIR, no offence under the SC/ST Act is made out against the appellant as no caste name



was hurled by the appellant. Appellant has got no criminal antecedent.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 15.11.2019 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I, Gopalganj in Gopalganj Police Station Case No. 376/2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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