

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1308 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- BARAULI District- Gopalganj

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HARENDRA PRASAD S/O GOARI SHANKAR PRASAD @ GOARI R/O
VILLAGE-JOKAHA, P.S-BAROALI, DISTRICT-GOPALGANJ.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Harendra Prasad
For the Respondent/s : Mr. Sp. P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021 As per Mentioning -Slip kept at 'Flay-Y, the present
matter has been listed for earlier hearing.

Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

The appellant has challenged the order dated
13.10.2020 passed by learned 1st Additional District & Sessions
Judge-cum- Special Judge, Gopalganj in ABP No. 1370/2020 in
connection with Barauli P.S. Case No. 212/20 registered for the
offences under sections 341, 323, 504, 506, 308/34 of the Indian
Penal Code and 3(2)(i), (r), (s)(v) of SC/ST (Prevention of
Atrocities) Act whereby the prayer made on behalf of the
appellant for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that on trivial issue
regarding theft of cattle, the accused persons abused and



assaulted the informant taking her caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The nature of injury is said to be simple in nature. There is a case and counter case between the parties. The injury on the side of accused persons have not been explained by prosecution. The prosecution has not come with clean hands. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 13.10.2020 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, Gopalganj in ABP No. 1370/2020 in connection with Barauli P.S. Case No. 212/20 by which the anticipatory bail of the appellant was rejected.

Let the appellant above named, in the event of arrest/surrender before the learned court below within a period



of six weeks from today, be released on anticipatory bail on
furnishing bail bonds of Rs.10,000/- (Ten thousand) with two
sureties of the like amount each to the satisfaction of learned 1st
Additional District & Sessions Judge-cum- Special Judge,
Gopalganj in connection with Barauli P.S. Case No. 212/20.

The appeal stands allowed.

(Sudhir Singh, J)

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