

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1788 of 2021**

Arising Out of PS. Case No.-73 Year-2020 Thana- BANIAPUR District- Saran

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Anil Kumar Rai S/O Bhikhari Rai R/O Village-Ramdhanao, P.S-Baniyapur,
District-Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Sinha- Advocate
For the Respondent/s : Mr. Bharat Bhushan- S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-07-2021 Heard Mr. Anil Kumar Sinha, the learned Advocate

for the appellant and Mr. Bharat Bhushan, the learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated
28.01.2021 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge, SC/ST (POA) Act, Saran at
Chapra in connection with Baniyapur P. S. Case No.73 of
2020, instituted for the offences under Sections 341, 353,
323, 332, 379, 504, 506/34 of the Indian Penal Code and
Section 3(1)(s) of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby their prayer
for grant of anticipatory bail has been rejected.

The appellant and another are said to have
assaulted the local *Chowkidar* and also demeaned him by



taking his caste name.

It has been submitted on behalf of the appellant that no such occurrence ever took place as has been reported. The accusation is general and omnibus in nature and only because the *Chowkidar* had some dispute with the appellant in the past that he has lodged this false case.

Regard being had to the afore-stated facts, the order dated 28.01.2021, referred to above, is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Baniyapur P. S. Case No.73 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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