

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1804 of 2021

Arising Out of PS. Case No.-711 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Deepak Kumar, aged about 23 years, male, Son of Virju Sahni @ Birju Sahani, Resident of Village - Rasulpur Salim, P.S. - Ahiyapur, Distt. - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hari Kishore Thakur, Adv.

For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-07-2021 Heard Mr. Hari Kishore Thakur, the learned Advocate for the appellant and the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 16.01.2021 passed by the learned 3rd Addl. Sessions Judge-Cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 711 of 2020, instituted for the offences under Sections



341, 147, 149, 323, 353, 504 and 506 of the Indian Penal Code and Section 3(i)(r) and 3(2)(Va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that when the informant in his capacity as A.S.I. had gone to pacify the warring parties, he was abused by taking his caste name.

The learned counsel for the appellant has submitted that he has been named in this case on motivated grounds and on stray information provided to the officer-in-charge of the concerned police station. He has further submitted that there is nothing specific against the appellant and in fact, he has been made accused in this case because he was protesting against the unethical ways of the police in handling a private dispute between two group of villagers.

Regard being had to the nature of accusation and taking into account that the appellant does not have criminal antecedents, the order dated 16.01.2021,



referred to above, is set-aside.

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 3rd Addl. Sessions Judge-Cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 711 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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