

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1845 of 2021

Arising Out of PS. Case No.-3 Year-2020 Thana- SC/ST District- Khagaria

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Kunal Kumar @ Munal Kumar, male, aged about 25 years, S/o Shiyaram
Mahto, R/o Village-Chhoti Baiha, P.S.-Mansi, District-Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bishweshwar Ram, Adv.

For the Respondent/s : Ms. Usha Kumar-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-07-2021 Heard Mr. Bishweshwar Ram, the learned

Advocate for the appellant and the learned Special

Public Prosecutor for the State.

The appellant has challenged the order dated
20.01.2021 passed by the learned 1st Addl. Sessions
Judge-Cum-Special Judge, SC/ST Act, Khagaria in
connection with Khagaria SC/ST P.S. Case No. 03 of
2020, instituted for the offences under Sections 147,



341, 323, 337, 338, 504 and 506 of the Indian Penal Code and Sections 3(I)(r)(s) 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.

The accusation against the appellant and several others is of assaulting and abusing the informant other members of his family.

It has been submitted on behalf of the appellant that nobody has been injured in the occurrence and there is a counter version of the case also. It has further been submitted that one of the accused persons of this case having similar allegation against him has been granted the privilege of anticipatory bail.

Regard being had to the nature of accusation against the appellant, the accusation with respect to S.C./S.T. (Prevention of Atrocities) Act does not appear to have been made out.

For the facts afore-stated, the order dated 20.01.2021, 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 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST Act, Khagaria in connection with Khagaria SC/ST P.S. Case No. 03 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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