

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1888 of 2021

Arising Out of PS. Case No.-100 Year-2020 Thana- BHAIKAVSHTHAN District-
Madhubani

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MITHILESH DAS Son of Rajdeo Das Resident of Village - Khaira, P.S. -
Bhairab Asthan, District - Madhubani.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Kumari Shubham
For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The appellant has challenged the order dated
19.10.2020 passed by learned A.D.J.-1-cum- Special Judge,
SC/ST, Madhubani in ABP No. 907 of 2020 in connection with
Bhairabasthan P.S. Case No. 100 of 2020 registered for the
offences under sections 341, 323, 379, 504, 506 and 34 of the
Indian Penal Code and 3(1)r (2)(v)(a) of the SC/ST Act
whereby the prayer made on behalf of the appellants for grant of
anticipatory bail has been rejected.



Prosecution allegation, in short, is that the accused persons assaulted the informant and also abused by taking 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. No deadly weapon is said to have been used in course of the occurrence. 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 19.10.2020 passed by learned A.D.J.-1-cum- Special Judge, SC/ST, Madhubani in ABP No. 907 of 2020 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
A.D.J.-1-cum- Special Judge, SC/ST, Madhubani in connection
with Bhairabasthan P.S. Case No. 100 of 2020.

The appeal stands allowed.

(Sudhir Singh, J)

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