

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1903 of 2021**

Arising Out of PS. Case No.-83 Year-2020 Thana- SANJHOLI District- Rohtas

=====

KHARMU KUMAR @ SONU KUMAR SON OF RAM PRAVESH  
CHOUDHARY R/O VILLAGE- KARMAINI, P.S.- SANJHAULI, DIST.-  
ROHTAS

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr.Patanjali Rishi

For the Respondent/s : Mr.A.G

=====

**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  
25.01.2021 passed by learned 1st Additional District and  
Sessions Judge-cum- Special Judge, SC/ST, Rohtas at Sasaram  
in connection with Case Registration No. 206 of 2020 in  
connection with Sanjhauli P.S. Case No. 83 of 2020 registered  
for the offences under sections 341, 323, 504 and 506 of the  
Indian Penal Code and 3(1)(r)(s) of the SC/ST (POI) Act  
whereby the prayer made on behalf of the appellant for grant of



anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons assaulted the informant with lathi and danda 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. Subsequently, the informant has filed an application in the Court below in which he has retracted from the earlier statement made in the F.I.R. The said application is Annexure-P/2 to the present appeal. 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 25.01.2021 passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST, Rohtas at Sasaram in connection with Case Registration No. 206 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 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST, Rohtas at Sasaram in connection with Sanjhauli P.S. Case No. 83 of 2020.

The appeal stands allowed.

**(Sudhir Singh, J)**

Pankaj/-

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