

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.894 of 2020**

Arising Out of PS. Case No.-191 Year-2019 Thana- BELHAR District- Banka

BIRENDRA KUMAR S/o Ambika Yadav R/o village- Viragaon, P.S.- Bilhar,
District- Banka

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Najmul Hodda
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-02-2021 Heard learned counsel for the appellant and learned
counsel for the State.

Learned counsel for the appellant is directed to make
necessary correction in paragraph 1 of the application in course
of the day.

The appellant has challenged the order dated
24.01.2020 passed by learned Additional Sessions Judge -1,
Banka in A.B.P. No. 1815 of 2019 in connection with Belhar
P.S. Case No. 191 of 2019 registered for the offences under
sections 341, 323, 504, 506, 365,, 379/34 of the Indian Penal
Code and 3(i)(r) of SC/St Act whereby the prayer made on
behalf of the appellant for grant of anticipatory bail has been
rejected.

Prosecution allegation, in short, is that while the



informant went to market, the accused surrounded him and started abusing him. The informant was also badly assaulted by the accused persons.

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. For oblique reason, the present case has been instituted. There is a case and counter case between the parties. The injury on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hand. The alleged offence has not taken place in public view. Hence, no offence under the SC/ST Act is made out.

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 24.01.2020 passed by learned Additional Sessions Judge -1, Banka in A.B.P. No. 1815 of 2019 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, Banka in connection with Belhar P.S. Case No. 191 of 2019.

The appeal stands allowed.

(Sudhir Singh, J)

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