

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1218 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- JAKKANPUR District- Patna

CHANDAN KUMAR @ BILLA, aged about 24 years, Gender-M, S/O- Sri Vashishta Ravidas, R/V- Ram Dayal Path, Old Jakkanpur, P.S. - Gardanibagh, District - Patna.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Vijay Kumar Sinha, Advocate.
For the Respondent : Mrs.Usha Kumari 1,Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021 Learned counsel for the appellant is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellant in connection with A.B.P. No. 682 of 2020, arising out of Special Case No. 27 of 2020 arises from Jakkanpur P.S. Case No. 31 of 2020, registered for the offences under Sections 341, 323, 325, 379 of the I.P.C. and 3(1) (r)(s) of the SC/ST Act.

The prosecution case, in short, is that on 08.01.2020 around 9.00 A.M., the informant was going to perform his duty. In the meantime, co-accused Vickky Kumar and Chandan Kumar @ Billa (appellant) surrounded and abused him in their



caste line and asked about his going and threatened to dire-consequence of his death. Vickky assaulted him with Bamboo causing injury and this petitioner assaulted him with Iron rod brutally causing fingers and wrist injuries and Vickky Kumar took out Rs. 1200/- from his son. The injured were admitted in P.H.C. then referred to P.M.C.H.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. The appellant has been made accused in the present case due to mistake of fact with ulterior motive. There is no allegation of tampering with the witnesses alleged against him. No deadly weapon is said to have been used in course of occurrence. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 20.01.2020, passed by learned Additional Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna, in connection with A.B.P. No. 682 of 2020, arising out of Special Case No. 27 of 2020 arises from Jakkanpur P.S. Case No. 31 of 2020, is set aside. The criminal appeal is allowed.



Accordingly, the appellant, above named, in the event of arrest or 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/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- VIII-cum-Special Judge, SC/ST Act, Patna, in connection with A.B.P. No. 682 of 2020, arising out of Special Case No. 27 of 2020, arises from Jakkanpur P.S. Case No. 31 of 2020.

(Sudhir Singh, J)

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