

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2385 of 2021**

Arising Out of PS. Case No.-328 Year-2020 Thana- KUDHNI District- Muzaffarpur

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VASUDEV KUMAR @ SUNNY @ SUNNY KUMAR Son of Ram Pravesh
Singh Resident of Village- Chandrahatti, P.S.- Kurhani, District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pradhan Murli Manohar Prasad, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-09-2021 Heard the learned counsel for the appellant and

the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated

08.02.2021 passed by the learned Additional Sessions
Judge-III-cum-Special Judge, SC/ST Act, Muzaffarpur in
A.B.P. No. 3733 of 2020 arising out of Kudhni P.S. Case
No. 328/2020, whereby the prayer made on behalf of the
appellant for grant of anticipatory bail for the offences under
Sections 147, 148, 149, 341, 323, 324, 325, 504 and 506
of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST
(POA) Act has been rejected.

This Court had called for the case diary by order



dated 13.08.2021 as it was the submission of the learned counsel for the appellant that there is no injury report on the record.

The accusation in the First Information Report is that while the brother of the informant was guarding an orchard, the appellant and many others abused and assaulted him. He was also demeaned on account of his descent.

The learned counsel for the appellant has submitted that an absolutely false case has been lodged against him. The dispute lies somewhere else but the accusation under the SC/ST (Prevention of Atrocities), Act has been levelled only to add seriousness to the offence. No motive also appears to have been stated in the F.I.R. for such an occurrence. The date of occurrence is 02.06.2020 but the F.I.R. has been lodged on 04.06.2020.

Considering the afore-noted aspects of the matter and taking into account that an application for compounding the case has been filed before the court below, the order dated 08.02.2021 passed by the learned Additional



Sessions Judge-III-cum-Special Judge, SC/ST Act,
Muzaffarpur, is set aside.

The appeal is allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with Kudhni P.S. Case No. 328/2020.

(Ashutosh Kumar, J)

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