

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1213 of 2020

Arising Out of PS. Case No.-83 Year-2018 Thana- SIKARPUR District- West Champaran

FATAI DEWAN S/o Barhu Dewan Resident of Village- Chanki Garh, P.S.-
Shikarpur, Distt- West Champaran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The matter relates to grant of anticipatory bail to the appellant in connection with a case registered for the offences under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i)(r), 3(2)(v-a) of the SC/ST (Prevention of Atrocities) Act, 1989.

The allegation against the appellant is of assaulting the informant with fists and slaps. The allegation of using farsa and rod is on co-accused Bhlai Dewan, Bismillah Diwan and Aftab Dewan.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the



appellant. The appellant has falsely been implicated in the present case. Free fight is alleged to have taken place. No deadly weapon is said to have been used by the appellant in course of occurrence. The alleged occurrence is said to have taken place due to petty reason. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case. Other co-accused have been granted bail vide Annexures 3 and 3/1 to the present appeal.

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 28.01.2020, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, (SC/ST/POCSO), Bettiah, District West Champaran vide A.B.P. No.2953 of 2019 in connection with Trial No.472 of 2018 arising out of Shikarpur P.S. case No.83 of 2018, is set aside. The criminal appeal is allowed.

Accordingly, 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 & Sessions Judge-cum-Special Judge,
(SC/ST/POCSO), Bettiah, District West Champaran in
connection with Trial No.472 of 2018 arising out of Shikarpur
P.S. case No.83 of 2018.

(Sudhir Singh, J)

Narendra/-

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