

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1223 of 2020

Arising Out of PS. Case No.-382 Year-2019 Thana- SIKARPUR District- West Champaran

NESAR KHAN @ NESAR AHMAD S/o Ali Mohammad Khan Resident of
Village-Chanki Pipra, Police Station-Shikarpur, District-West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arbind Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

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 147, 148, 149, 323, 307, 379 of the Indian Penal
Code and Sections 3(i)(r)(w)(ii)(v-a) of the SC/ST (Prevention
of Atrocities) Act, 1989.

The prosecution case, in short is that some unknown
persons assaulted the informant by means of lathi, danda and
fists.

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. An application has been filed by the informant in the court below, which is Annexure 2 to the present appeal, where he has retracted from his earlier statement made in the F.I.R. The alleged occurrence has not taken place within public view. Hence no offence under the 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 15.02.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, (SC/ST, POCSO), Bettiah, West Champaran vide A.B.P. No.128 of 2020 in connection with Shikarpur P.S. case No.382 of 2019, 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 Sessions Judge-cum-Special Judge, (SC/ST, POCSO), Bettiah, West Champaran in connection with Shikarpur P.S. case No.382 of 2019.

(Sudhir Singh, J)

Narendra/-

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