

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2426 of 2021

Arising Out of PS. Case No.-85 Year-2020 Thana- KORMA District- Sheikhpura

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Kappu Kewat @ Kapo Kewat, aged about 45 years, male, Son of Gorelal Kewat, Resident of Village - Dih Kushumbha (Budhva Tola), P.S.- Korma, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pankaj Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 24-08-2021 Heard Mr. Pankaj Kumar, the learned Advocate

for the appellant and the learned Special Public

Prosecutor for the State.

The appellant has challenged the order dated

08.03.2021 passed by the learned 1st Addl. District and

Sessions Judge, Sheikhpura in connection with SC/ST

P.S. Case No. 103 of 2020 arising out of Korma P.S.

Case No. 85 of 2020, instituted for the offences under



Sections 147, 148, 149, 224, 323, 353, 307 and 504 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2) (va) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

It has been urged on behalf of the appellant that from the accusation levelled in the F.I.R., no offence under any one of the provision of Indian Penal Code or S.C./S.T. (Prevention of Atrocities) Act can at all be said to have been made out.

A member of the Bihar Home Guards has lodged a case that while he was on his way to facilitate nabbing of people violating the Excise laws prevalent in the State of Bihar, an occurrence took place in which the informant and other members of his party were assaulted. It has further been submitted that the informant himself is not a person belonging to SC/ST community, but the accusation of abusing and assaulting, involving the mischief of S.C./S.T. (Prevention of Atrocities) Act, is against the son of a local *Chowkidar*.



Regard being had to the aforesaid submissions and taking into account that the injuries suffered by the victim is simple in nature, the order dated 08.03.2021, referred to above, is set-aside.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District and Sessions Judge, Sheikhpura in connection with SC/ST P.S. Case No. 103 of 2020 arising out of Korma P.S. Case No. 85 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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