

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2965 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- SC/ST District- Bhagalpur

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BISHNU KANT JHA Son of Yadunandan Jha Residence of Mohalla -
Bompas Town, Ward No. 17, P.S.- Deoghar, District - Deoghar, (Jharkhand).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vijay Kant Mishra
	:	Mr. Braj Nandan Kumar Tiwary
For the Respondent/s	:	Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-08-2021 Heard the learned counsel for the appellant and

the learned Special Public Prosecutor for the State.

This appeal is directed against the order dated

06.11.2020 passed by the learned Additional District and

Sessions Judge-III-cum-Special Judge (SC/ST Act)

Bhagalpur in A.B.A. No. 1735 of 2020 arising out of

Bhagalpur SC/ST Case No. 15 of 2020, whereby the prayer

made on behalf of the appellant for grant of anticipatory bail

for the offences under Sections 341, 323 and 504 of the

Indian Penal Code and 3(1)(r)(s) of SC/ST (POA) Act has

been rejected.

The informant who is a driver one of one Shailesh



Jha has alleged that when he was asked by the appellant to take him to Deoghar on his refusal to do so without the concurrence of his master, the appellant misbehaved with him and abused him by taking his caste name. The appellant is known to the employer of the informant.

Hence, this case.

Learned counsel for the appellant has submitted that from the narration of events in the First Information Report, it would appear that because of some verbal dispute between the informant and a friend of his employer, this case has been lodged. There is a delay of 15 days in lodging the F.I.R. The occurrence took place at Kahalgaon but the F.I.R. has been lodged at a different place. It has been stated on behalf of the appellant that the informant had requested him to intercede on his behalf with his friend who is his employer. When this was refused, the present case has been lodged.

For the reasons afore-stated, the order dated 06.11.2020 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act)



Bhagalpur, 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 learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Ac) Bhagalpur in connection with Bhagalpur SC/ST Case No. 15 of 2020.

(Ashutosh Kumar, J)

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