

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3127 of 2021

Arising Out of PS. Case No.-107 Year-2021 Thana- KALYANPUR District- East Champaran

1. AWDHESH DAS @ AWDHESH KUMAR MISHRA S/O LATE GANESH DAS R/O VILLAGE AND P.S-KALYANPUR, DISTRICT-EAST CHAMPARAN.
2. MUNNA DAS S/O LATE GANESH DAS R/O VILLAGE AND P.S-KALYANPUR, DISTRICT-EAST CHAMPARAN.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-10-2021 Heard learned counsel for the appellants and the State through virtual mode.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The appellants have challenged the order dated 22-06-2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 107 of 2021 registered for the offences under Sections-341, 323, 325, 504, 34 of the Indian Penal Code and Sections-3(i)(r)(s) of SC & ST (Prevention of Atrocities) Act whereby the prayer made on



behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation in short is that while the informant was working in the field of Guddi Devi, the appellants having armed with Lathi, Danda came there and started abusing by taking his caste name and assaulted on the head of the informant.

It has been submitted on behalf of the appellants that there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 22-06-2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Motihari, East Champaran in connection with



Kalyanpur P.S. Case No. 107 of 2021 by which the anticipatory bail of the appellants was rejected.

Accordingly, the order dated 22-06-2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 107 of 2021 is set aside. The present Criminal Appeal is *allowed*.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 107 of 2021.

(Sudhir Singh, J)

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