

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.210 of 2021**

Arising Out of PS. Case No.-32 Year-2020 Thana- SATHI District- West Champaran

BIRENDRA CHAUDHARY Son of Late Babu Lal Chaudhary Resident of
Village - Malahi Tola, P.S.- Lauriya, Distt.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bimlesh Kumar Pandey
For the Respondent/s	:	Spl. P.P.
For the Informant	:	Mr. Sanjay Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2021 Heard learned counsel for the appellant, learned Special P.P. for the State and learned counsel for the informant through virtual mode.

Learned counsel for the appellant is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The appellant has challenged the order dated 21.09.2020 passed by learned Additional District and Sessions Judge-1st cum- Special Judge, SC/ST, Bettiah, West Champaran in ABP No. 1415/2020 in connection with Sathi P.S. Case No. 32/2020 registered for the offences under sections 341, 323,, 504, 34 of the Indian Penal Code and 3(i)(r)(c)(ii)(v-a) of SC/ST (Prevention of Atrocities) Act whereby the prayer made on



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

Prosecution allegation, in short, is that the the accused persons assaulted the informant when he demanded his money and thereafter was also abused by the accused persons.

It has been submitted on behalf of the appellant that there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case due to previous enmity. No grievous injury is said to have been caused in course of the occurrence. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 21.09.2020 passed by learned Additional District and Sessions Judge-1st cum- Special Judge, SC/ST, Bettiah, West Champaran in ABP No. 1415/2020 in connection with Sathi P.S. Case No. 32/2020, is set aside.

The appeal stands allowed.

Let the appellant above named, in the event of arrest/surrender before the learned court below below within a



period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional District and Sessions Judge-1st cum- Special Judge, SC/ST, Bettiah, West Champaran in connection with Sathi P.S. Case No. 32/2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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