

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.289 of 2021**

Arising Out of PS. Case No.-262 Year-2020 Thana- PARSABAZAR District- Patna

UPENDRA KUMAR @ PANDIT Son of Shyambabu Rai Resident of Village
- Sotachak, P.s.- Parsa Bazar, Dist.- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sarvan Kumar
For the Respondent/s : Smt. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-06-2021 Heard Mr. Sarvan Kumar, learned counsel for the

appellant and Smt. Usha Kumari, learned Special Public

Prosecutor for the State.

This appeal is directed against the order dated

02.11.2020 passed by the learned Additional District &

Sessions Judge -X-cum-Special Judge, SC/ST, Patna in

A.B.P. No. 6521 of 2020 arising out of in Parsa Bazar P.S.

Case No. 262 of 2020, whereby the prayer made on behalf

of the appellant for grant of anticipatory bail for the offences

under Sections 147, 148, 149, 341, 323, 385 and 307 of

the Indian Penal Code, Section 27 of the Arms Act and

Section 3(2)(v) of SC/ST (POA) Act has been rejected.



It has been submitted on behalf of the appellant that except for his being named in the F.I.R., no overt act has been attributed against him. The appellant is not said to have either abused or assaulted the informant or anybody else. There is prior dispute between the parties and precisely for this reason, the appellant has been made accused in this case. The act of assault and abusing the informant by caste name is attributed to other accused person.

It has, therefore, been urged that no offence under anyone of the provisions of the SC/ST (POA) Act, can at all be said to have been made out against the appellant.

Considering the aforesaid submissions, this appeal is allowed.

The order dated 02.11.2020 passed by the learned Additional District & Sessions Judge -X-cum-Special Judge, SC/ST, Patna is set aside.

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 & Sessions Judge
-X-cum-Special Judge, SC/ST, Patna in connection with
Parsa Bazar P.S. Case No. 262 of 2020.

(Ashutosh Kumar, J)

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