

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.866 of 2021**

Arising Out of PS. Case No.-46 Year-2020 Thana- CHEWARA District- Sheikhpura

Chandan Kumar S/O Vijay Chandrawanshi @ Bijay Chandrawanshi @ Bijay
Ram R/O Village Chewara, P.S.-CHEWARA, District-Sheikhpura.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Syed. Rizwanul Haque
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State 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
24.11.2020 passed by learned 1st Additional District and
Sessions Judge, Sheikhpura in ABP No. 526/2020 in connection
with Chewara P.S. Case No. 46 of 2020 registered for the
offences under sections 341, 323, 504, 506, 34, 354(D) of the
Indian Penal Code, 3(1)(r)(s), 3(2)(v)(a) of SC/ST (Prevention
of Atrocities) Act and 66(A), 67(A) of the I.T. 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 accused persons shared photograph of daughter of the informant on facebook and when complain was made, the informant was abused by taking caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. A petition has been filed by the informant in the Court below where he has retracted from his earlier statement made in the F.I.R. The said application made by the informant in the Court below is Annexure-3 to the present appeal. No occurrence is said to have 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 24.11.2020 passed by learned 1st Additional District and Sessions Judge, Sheikhpura in ABP No. 526/2020 in connection with Chewara P.S. Case No. 46 of 2020, is set aside.



The appeal stands allowed.

Let the appellant 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 his personal bond to the satisfaction of learned 1st Additional District and Sessions Judge, Sheikhpura in connection with Chewara P.S. Case No. 46 of 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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