

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.707 of 2021**

Arising Out of PS. Case No.-270 Year-2020 Thana- BAGHA District- West Champaran

GAUTAM KUMAR Son of Dukhu Sahani @ Shubhash Choudhary Resident  
of Village- Narainapur, Ward No.05, P.S.- Bagaha Pathkholi, O.P. Distt- West  
Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

**Appearance :**

For the Appellant/s : Mr.Kaushal Kishor, Advocate  
For the Respondent/s : Mr. Special P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      29-10-2021                      Let the defects, as pointed out by the office, be  
  
removed within four weeks of start of normal functioning of the  
  
physical court.

Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State in virtual Court.

This appeal under Section 14 A(2) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities) Act,  
1989 has been directed against the order dated 14.10.2020  
passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special  
Judge, SC/ST, Bettiah, West Champaran in connection with  
Bagaha Pathkholi P.S. Case No. 270 of 2020 registered under  
Sections 147, 149, 342, 323, 324, 504, 506 of the Indian Penal  
Code read with Sections 3(1)(r)(s)(w) of SC/ST Act, whereby



the prayer for pre-arrest bail of the appellant has been rejected.

According to prosecution case, on 06.05.2020 at about 11:00 A.M. appellant along with other accused armed with lathi, danda, knife came at the door of the informant and abused cousin brother of the informant and also dragged him on the road. The informant further alleges that on alarm, the informant, his brother and his mother also came and tried to save Keshav Ram but the accused persons also assaulted them. The accused persons abused the informant and his family members by calling their caste name.

Learned counsel for the appellant submits that the appellant has committed no offence and he has falsely been implicated in the present case. Appellant has got no criminal antecedent. Learned counsel further submits that the present case is counterblast of Bagaha Pathkholi P.S. Case No. 271 of 2020 registered under Sections 341, 323, 354, 379, 506, 509/34 of the I.P.C. lodged by co-accused Sunita Devi. Learned counsel further submits that the alleged occurrence has not taken place in public domain. Learned counsel further submits that due to intervention of well-wisher both parties have compromised the matter outside the court and filed a compromised petition.

Learned Special Public Prosecutor for the State has,



vehemently, opposed the prayer of pre-arrest bail of the appellant.

Considering the facts and circumstances of the case as well as submissions of the parties, the appellant above named, in the event of his arrest/ surrender before the court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bonds of Rs 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge, SC/ST, Bettiah, West Champaran in connection with Bagaha Pathkholi P.S. Case No. 270 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order dated 14.10.2020 passed in A.B.P. No. 1851 of 2020 is set aside and this appeal is allowed.

**(Rajesh Kumar Verma, J)**

shahzad/-

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