

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.187 of 2022

Arising Out of PS. Case No.-459 Year-2020 Thana- TAJPUR District- Samastipur

Ekbal Jafri @ Iqbal Jafri @ Jughu Son Of Late Manjar Jafri Resident Of
Village- Shahpur Baghauni, P.S.- Tajpur (Waini O.P.), District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Hussamuddin Azad
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2022 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 10.12.2020 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No. 459 of 2020 instituted for the offences punishable under Sections 323, 379, 506, 341, 504 of the Indian Penal Code and Section 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, whereby his prayer for being released on anticipatory bail has been rejected.

The accusations are of taking away the articles



of the Panchayat office by the appellant being son of Panchayat Mukhiya and abusing the informant being Panchayat Secretary by calling caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case and in the background of some dispute from before, the present case has been lodged. As per F.I.R, the occurrence took place in the house, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 10.12.2020 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No. 459 of 2020.

Accordingly, this appeal is allowed.

The appellant, above named is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on his



furnishing bail bonds of Rs. 10,000/-(ten thousand)
with two sureties of the like amount each to the
satisfaction of learned Special Judge, SC/ST (POA) Act,
Samastipur in connection with Tajpur (Waini O.P.) P.S.
Case No. 459 of 2020.

(Sunil Kumar Panwar, J)

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