

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.148 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- SHAHPUR District- Patna

PANKAJ KUMAR SON OF LATE KAPILDEV RAY @ KAPIL RAI R/O
VILLAGE- NOORPURCHANDMARI, P.S.- SHAHPUR, DISTRICT-
PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. NIRMAL RAM SON OF SNJIVAN MOCHI R/O VILLAGE-
NOORPURCHANDMARI, P.S.- SHAHPUR, DISTRICT- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Kumar Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 15.07.2021 passed by learned Additional District and Sessions Judge-cum-Special Judge-III SC/ST Act, Patna in a case registered for the offence punishable under Sections 341, 323, 307 and 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

It is a case of assaulting and abusing to the informant.

It is submitted by learned counsel for the appellant that the provision of SC/ST Act is not attracted because there is no intention of the appellant to insult the informant who is a member of the SC/ST community and it is also submitted that



the occurrence did not take place in public view. It is also submitted that the main allegation of assault is against co-accused Akhilesh Kumar and Chintu Kumar and not against this petitioner and there is case and counter case between the parties.

Learned counsel for the Special Public Prosecutor on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 15.07.2021 passed in ABP No.2973 of 2021 is hereby set aside.

The appellant is directed to be enlarged on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge-III SC/ST Act, Patna in connection with Shahpur P.S. case No. 123 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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