

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.193 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- SC/ST District- Jehanabad

-
1. AJAY SHARMA Son of Naresh Sharma Resident of Village- Waina, Police Station- Ghoshi, District- Jehanabad.
 2. PRAHALAD SHARMA Son of Late Kedar Sharma Resident of Village- Waina, Police Station- Ghoshi, District- Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jagdish Das Son of Late Baleshwar Das Resident of Village- Waina, Police Station- Ghoshi, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra 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 appellants and learned
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 18.12.2021 passed by learned Additional District & Sessions Judge-I, Jehanabad in a case registered for the offence punishable under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) & 3(2)(va) of the SC/ST (POA) Act, whereby anticipatory bail of the appellants have been rejected.

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



It is submitted by learned counsel for the appellants that the provision of SC/ST Act is not attracted because there is no intention of the appellants 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.

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 18.12.2021 passed in ABP No.935 of 2021 is hereby set aside.

The appellants are directed to be enlarged on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Jehanabad in connection with Jehanabad SC/ST P.S. case No. 17 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

U		T	
---	--	---	--

