

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.200 of 2022**

Arising Out of PS. Case No.-128 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

GOPAL SINGH @ GOPAL KUMAR Son of Barka Singh @ Ajay Kr. Singh
Resident of Village - Maniyarchak, P.s.- Piri Bzar, Distt.- Lakhisarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jai Prakash 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 07.12.2021 passed by learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Lakhisarai 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) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

It is a case of assaulting, abusing and threatening to the informant and his family members by the appellant and other accused persons.

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.

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 07.12.2021 passed in ABP No.909 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 Sessions Judge-I-cum-Special Judge (SC/ST Act), Lakhisarai in connection with Piri Bazar P.S. case No. 128 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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

