

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.198 of 2022

Arising Out of PS. Case No.-16 Year-2017 Thana- SONEPUR District- Saran

SEKHAR SINGH @ CHANDRASEKHAR SINGH Son of Birendra Singh
Resident of Village - Sipiya Aam, Sidhnath Chowk, P.S. Sonpur, District -
Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binay Kumar, 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 22.12.2021 passed by learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Saran in a case registered for the offence punishable under Sections 341, 323, 354, 504 and 379 of the Indian Penal Code and Sections 3(1)(x) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

It is a case of assaulting upon the informant and his wife as well as outraging the modesty to the wife of 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 good sense has been prevailed between the parties as is apparent from Annexure-2 to this petition.

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 22.12.2021 passed in ABP No.3228 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 3rd Additional Sessions Judge-cum-Special Judge SC/ST Saran in connection with Sonpur P.S. case No. 16 of 2017.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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