

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.301 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- KALYANPUR District- East Champaran

PREMCHANDRA PRASAD @ PREMCHANDRA SAH SON OF GANESH
PRASAD R/O VILLAGE- VISHUNPUR DHIR, P.S.- KALYANPUR,
DISTRICT- EAST CHAMPARAN

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-05-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

It is submitted by learned counsel for the appellant that
the present case has been filed by the Presiding Officer,
represented by the State.

Considering the same, no notice is required to be issued
upon the informant.

Learned counsel for the appellant undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,



(hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 05.01.2022 passed by learned Additional Sessions Judge -IIIrd- cum- Special Judge SC/ST (POA Act), East Champaran, Motihari, in connection with Kalyanpur P.S. Case No.287/2021, registered under sections 147, 148, 149, 341, 323, 325, 353, 354, 504, 506, 509, 307, 427, 379, 188, 440, 332, 171 of the IPC, section 27 of the Arms Act, section 3 of D.P. Act, 131, 134B, 135, 135A of the R.P. Act and sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, the appellant and several other accused persons attacked on the polling booth and assaulted the police personnel brutally. They damaged the EVM and started firing.

It is submitted by learned counsel for the appellant that no such occurrence in the manner as alleged ever took place. Appellant has been falsely implicated in the case due to highhandedness of the police. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation against the appellant to abuse the informant by taking caste name, as such, no offence under SC/ST is made out against him. The appellant has been languishing in custody since 04.01.2022 and has no criminal antecedent. It is further submitted that the main assailant namely



Priyanka Sinha has already been enlarged on anticipatory bail by this Court vide order dated 22.03.2022 passed in Cr. Appeal (SJ) No.218 of 2022.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstance of the case, since the main assailant has been granted bail, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -IIIrd- cum- Special Judge SC/ST (POA Act), East Champaran, Motihari, in connection with Kalyanpur P.S. Case No.287/2021.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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