

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.576 of 2022

Arising Out of PS. Case No.-328 Year-2021 Thana- PIPRA District- East Champaran

ANIL PRASAD KUSHWAHA @ ANIL PRASAD SON OF BRAHMDEO
PRASAD KUSHWAHA @ BRAHMDEO PRASAD R/O VILLAGE-
BISHUNPURA, P.S.- PIPRA, DISTRICT- EAST CHAMPARAN AT
MOTIHARI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. BABLU THAKUR SON OF BUDHAN THAKUR R/O VILLAGE- PIPRA,
P.O.- DAMODARPUR, P.S.- PIPRA, DISTRICT- EAST CHAMPARAN AT
MOTIHARI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shashi Bhushan Pandey
	:	Mr. Rajesh Kumar Verma
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 13-10-2022

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard Learned counsel for the appellant and learned Spl.

P.P. for the State.

The instant appeal has filed against the order dated 25.01.2022 passed by the learned 3rd Additional Sessions Judge – cum- Special Court, SC/ST, East Champaran at Motihari in Pipra P.S. Case No. 328 of 2021 registered under Sections 354(D), 387, 447, 504, 506/34 of the Indian Penal Code read with Section 3(1)(r)(s) W(i), 3(2)(va) of the Schedule Caste Schedule Tribes Prevention of Atrocities Act and Section 67 of the Information and



Technology Act whereby and whereunder the prayer for bail of the appellant was rejected.

As per prosecution case, there is allegation against the petitioner and others is that they abused the informant by taking caste name and uploaded filthy posts on social media against the informant's wife and also there is allegation against the petitioner that he demanded Rs. 50,00,000/- (Rupees fifty Lacs) as ransom for the expenditure occurred in the panchayat election.

Learned counsel for the appellant submits that appellant is in custody since 28.12.2021. Appellant bears no criminal antecedent. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that appellant is only the member of mob and there is dispute which is related with the panchayat election.

Learned Spl. P.P. for the State vehemently opposes the prayer for bail of the appellant.

Considering the facts and circumstances of the present appeal as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the appellant, argument advanced on behalf of the parties and also taking into consideration the material available on record, the order dated 25.01.2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Court, SC/ST, East



Champanan at Motihari in Pipra P.S. Case No. 328 of 2021 is set aside and present appeal is allowed. The appellant is directed to be enlarged on bail in connection with Pipra P.S. Case No. 328 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge -cum-Special Court, SC/ST, East Champaran at Motihari, subject to following conditions:-

- (i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.
- (ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial Court itself.
- (iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15-10-2022
Transmission Date	15-10-2022

