

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.764 of 2022

Arising Out of PS. Case No.-112 Year-2021 Thana- JURAWANPUR District- Vaishali

BHARAT BHUSHAN @ BHUSHAN KUMAR S/o Sanjay Rai R/o village-
Raghopur (Pachhimi), P.S.- Jaurawanpur, District- Vaishali at Hajipur

... .. Appellant/s

Versus

1. The State of Bihar
2. MUNCHUN PASWAN SON OF NANHAK PASWAN R/o village-
Raghopur West, P.S.- Jurawanpur, District- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-12-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State. Despite valid service of notice, nobody
appears on behalf of respondent no. 2.

The present appeal has been filed against order dated
18.02.2022 passed by learned Special Judge, SC/ST, Vaishali at
Hajipur in Jurawanpur P.S. Case No. 112 of 2021 registered for
the offence punishable under Sections 341, 323, 504, 506/34 of
the Indian Penal Code and Section 3(1)(a)(r)(s) of the Scheduled
Castes and the Scheduled Tribes (POA) Act (for short “SC/ST
Act”), whereby the prayer for anticipatory bail of appellant was
rejected.

As per prosecution case, all the F.I.R. named accused



persons including this appellant are alleged to have abused and assaulted the informant.

Learned counsel for the appellant submits that due to political rivalry, this false and concocted case has been lodged against this appellant. He further submits that falsity of the F.I.R. is apparent from the fact that in the F.I.R., the informant has stated that on the date of election i.e. 16.12.2021, while he was standing in queue to cast his vote in ward no. 3, he was assaulted, whereas, the actual date of election was 12.12.2021. There is no specific accusation of abuse by caste name against this appellant and as such, no case under the SC/ST Act is made out against him. The appellant has got clean antecedent.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 18.02.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge – SC/ST, Vaishali at



Hajipur in connection with Jurawanpur P.S. Case No. 112 of
2021.

(Prabhat Kumar Singh, J)

anay/-

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

