

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.806 of 2022**

Arising Out of PS. Case No.-511 Year-2020 Thana- CHOUTARWA District- West
Champaran

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AKILA PANDIT @ BAGISH KUMAR UPADHYAY Son of Narvade Pandit
@ Narmdeshwar Upadhyay Resident of village - Baswaria Narmdeshwar
Upadhyay, Ward No.- 7, P.S.- Chautarwa, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi W/o Santosh Baitha R/o vill- Baswaria, Ward no- 7 P.S-
Choutarwa, Dist- West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anand Kishore Choudhary
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

- 3 07-12-2022 Heard learned counsel for the appellant, learned

Special P.P. for the State and learned counsel appearing on

behalf of respondent no. 2.

The present appeal has been filed against order dated
11.01.2022 passed by learned A.D.J.-I-cum-Special Judge
(SC/ST), Bettiah, West Champaran in Chautarwa P.S. Case
No. 511 of 2020 registered for the offence punishable under
Sections 341, 323, 324, 307, 354, 379, 447, 504/34 of the Indian
Penal Code and Section 3(i)(r) of the SC/ST Act, whereby the
prayer for anticipatory bail of appellant was rejected.

As per F.I.R., this appellant is alleged to have



assaulted the informant on her head by *Rambha* (i.e. sharp-edged weapon).

Learned counsel for the appellant submits that injury caused by appellant is simple in nature and there is no allegation of abuse by caste name against this appellant.

However, learned counsel for the respondent no. 2 opposes the prayer of appellant and submits that appellant has suppressed the fact of his criminal antecedent and he is accused in one more criminal case. By showing a photograph of injury of informant, he submits that the injury caused by this appellant, appears to be, grievous in nature.

In reply, learned counsel for the appellant submits that from perusal of impugned order also, the injury is simple in nature.

Considering the same, the impugned order dated 11.01.2022, 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 A.D.J.-I-cum-Special Judge (SC/ST)



Bettiah, West Champaran in connection with Chautarwa P.S.
Case No. 511 of 2020.

(Prabhat Kumar Singh, J)

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