

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.935 of 2022

Arising Out of PS. Case No.-684 Year-2021 Thana- SIKARPUR District- West Champaran

RAJ KUMAR KUSHWAHA @ RAKESH KUMAR Son of Late Asharfi Mahto @ Late Asharfi Kuswhwaha Resident of Village - Keshariya Ward no.08, P.s.- Shikarpur, Distt.- West Champaran (Bihar), PIN- 855451

... .. Appellant/s

Versus

1. The State of Bihar
2. Birjhan Ram Son of Late Sahbir Ram Resident of Village - Dhobha, P.s.- Sikarpur, Distt.- West Champaran (Bettiah)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 01-12-2022 Learned counsel for the appellant is directed to remove the defect(s) as pointed out by the Stamp Reporter.

Heard learned counsel for the appellant and learned Special Public Prosecutor.

The present appeal is directed against the order dated 15.01.2022 passed by learned Ist Additional District and Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 354(B) of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s) of the SC/ST Act whereby anticipatory bail of the appellant has been rejected.

It is a case of assault upon the informant who is a member of SC/ST community.



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. There is case and counter case between the parties.

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 facts of the case, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 15.01.2022 passed in ABP No.07 of 2022 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 Ist Additional District and Sessions Judge-cum-Special Judge, SC/ST Bettiah, West Champaran in connection with Shikarpur P.S. case No. 684 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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