

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.910 of 2022

Arising Out of PS. Case No.-362 Year-2021 Thana- DHAKA District- East Champaran

Md. Rizwan @ Rizwa Ul Haque Son Of Late Md. Shabbu R/O Village-
Chaknagri, P.S.- Dhaka, District- East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lalbabu Ram Son Of Ramdayal Ram R/O Village- Bakhri Khajuri, P.O.-
Barharwa Fatehmohammad, P.S.- Dhaka, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Asif Kalim

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 10-11-2022 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
31.01.2022 passed by learned 3rd Additional Sessions
Judge-cum-Special Judge, SC/ST Act, Motihari, East
Champaran in connection with Dhaka P.S. Case No. 362
of 2021 instituted for the offences punishable under
Sections 341, 323, 353, 379, 504, 506 of the Indian
Penal Code and Sections 3(1)(r)(s) of the SC & ST
(Prevention of Atrocities) Act, whereby his prayer for
being released on anticipatory bail has been rejected.



The accusations are of making assault, obstructing the informant from discharging his official duties and abusing by calling caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. The appellant is mentally ill since 2019 and he is in regular treatment. Moreover, as per F.I.R, the occurrence took place in the residential premises of the informant, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 31.01.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Motihari, East Champaran in connection with Dhaka P.S. Case No. 362 of 2021.

Accordingly, this appeal is allowed.



The appellant, above named, is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Motihari, East Champaran in connection with Dhaka P.S. Case No. 362 of 2021.

(Sunil Kumar Panwar, J)

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