

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.886 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- PALASI District- Araria

SHARWAN KUMAR SAH @ SHARWAN SAH Son of Sadanand Sah
Resident of village - Sohagpur, Ward No.- 12, P.S.- Plasi, District - Araria
(Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Shiv puja Kumar A.S.I-cum SHO Palasi,P.S-Palasi,District-Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nishant Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 29-09-2022 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the appellant as well as the

learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the

appellant under Section 14 (A) (2) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting

aside the order dated 03.02.2022 passed by the learned 1st

Additional Sessions Judge-cum-Special Judge, Araria in

connection with Palasi P.S. Case No. 54 of 2021 registered for

offence punishable under sections 147, 148, 149, 341, 323, 324,



353, 504, 506/34 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, the informant, who is S.H.O. of Palasi Police Station on secret information, went to the house of co-accused Dayanand Sah and from his house recovered six empty bottles of liquor and ten empty bottles of english wine. He arrested Dayanand Sah. In the meantime, 15-20 unknown persons out of their common intention attacked the police party in which *Chowkidar* and one Constable became injured. The mob rescued the arrested co-accused Dayanand Sah.

The learned counsel for the appellant has submitted that Dayanand Sah has been granted regular bail by this Court. He has submitted further that on similar footing, some accused persons have been granted anticipatory bail by this Court in Criminal Appeal (SJ) No. 2972 of 2021.

The provisions of SC/ST does not attract *prima facie*, as there is no allegation of insulting or humiliating to anybody due to malicious feeling of caste.

The appellant is a person of clean antecedent and the other co-accused persons have been granted anticipatory bail.



Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 03.02.2022 is set aside.

Accordingly, the appellant, in the event of arrest or surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Palasi P.S. Case No. 54 of 2021.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

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

