

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.907 of 2022

Arising Out of PS. Case No.-55 Year-2020 Thana- BALTHAR District- West Champaran

1. AZAD GADDI Son of Haroon Gaddi Resident of Village - Line Parsa, Police Station - Balthar, District - West Champaran.
2. Bhikhari Gaddi Son of Late Dipa Gaddi Resident of Village - Line Parsa, Police Station - Balthar, District - West Champaran.
3. Saida Khatoon @ Sauda Khatoon Wife of Anarul Gaddi Resident of Village - Line Parsa, Police Station - Balthar, District - West Champaran.
4. Salbun Khatoon Wife of Haroon Gaddi Resident of Village - Line Parsa, Police Station - Balthar, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Yadav Lal Ram Son of Late Shivchan Ram Resident of Village - Line Parsa, Police Station - Balthar, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 11-10-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 10.02.2022, passed by the learned 1st



Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Balthar P.S. Case No. 55 of 2020, registered for offence punishable under sections 341, 323, 324, 307, 504/34 of the Indian Penal Code and sections 3 (i) (r) (s), 3(2) (V-a) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the accused persons assaulted the informant and they also abused him by calling his caste name. The accused persons assaulted Salbun Khatoon with *Garasi*.

The learned counsel for the appellants has submitted that there is case and counter case, as such, the occurrence cannot be said to have originated due to malicious feeling of caste. He has submitted further that both the sides have sustained injuries and the injuries suffered by prosecution side are simple in nature. He has also submitted that the investigating authorities submitted final form against the appellants.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that there is allegation in the FIR that the accused persons abused the informant by calling his caste name.

Considering the above-mentioned facts and



circumstances as well as the clean antecedents of the appellants, the appeal is allowed and the impugned order dated 10.02.2022 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Balthar P.S. Case No. 55 of 2020.

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

(Nawneet Kumar Pandey, J)

Nirmal/Mahesh

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