

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.918 of 2022

Arising Out of PS. Case No.-883 Year-2021 Thana- KHAGARIA District- Khagaria

RAJNISH RANJAN S/o Late Amrendra Mahto, R/o Bela Simri, P.S.-
Gangaur, District- Khagaria.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Madan Kumar Diwakar Son of Ramprasad Paswan, R/o vill.- Bela Simari
P.S.- Gangaur, Dist- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajkumar Rajesh
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Binay Kumar
		Mr. Shiva Kumar

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

ORAL ORDER

3 07-09-2022 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 counsel for the informant.

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

Additional Sessions Judge-cum-Special Judge in Spl. ABA

(SC/ST) No. 05/2022 arising out of Khagaria (Gangaur) P.S.



Case No. 883 of 2021 registered for offence punishable under sections 341, 323, 504, 506 of the Indian Penal Code and sections 3 (1) (r) (s), 3 (2) (va) of the SC/ST Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, Pushpa Devi, the wife of the informant was contestant of Mukhiya. On 07.11.2021, the appellant posted a message on facebook and the name of her husband in that facebook post was written as father of the informant in place of informant himself. When he asked as to why the appellant has written the name of his father as the husband of Pushpa Devi, he abused him by calling his caste name and also assaulted him.

The learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated due to rivalry of Mukhiya election. He has also submitted that the appellant is a person of clean antecedent.

On the other hand, the learned counsel for the informant has submitted that the appellant abused the informant near Indian Public School, which is a public place. He has also submitted that the appellant has threatened Pankaj Matho, who had come to rescue the informant.

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 Additional Sessions Judge-cum-Special Judge in connection with Khagaria (Gangaur) P.S. Case No. 883 of 2021, **subject to condition that the appellant shall appear before the court below on each and every date till framing of charge. If it comes to the notice of the learned court below that he is engaged in similar kind of occurrence, the learned court below shall be at liberty to cancel his bail bonds.**

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)

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