

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2118 of 2021**

Arising Out of PS. Case No.-123 Year-2015 Thana- GHORASAHAN District- East
Champaran

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1. BIRBAL RAI S/o Late Kheladi Ray Resident of Village- Bhatlahiya, P.S.- Jitna, District- East Champaran.
 2. BHARAT RAI @ BHARAT KUMAR S/o Jailal Ray Resident of Village- Bhatlahiya, P.S.- Jitna, District- East Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Trilok Paswan Son of Rajendra Paswan Resident of Village Bhatlahiya, P.S.- Jitna , Dist- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jitendra Kumar
For the Respondent/s	:	Mr. Binay Krishna
For Res. No.2	:	Mr. Shakil Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 05-07-2022 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 30.01.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with Ghorasahan (Jitna) P.S. Case No.123 of 2015, registered under Sections 147, 341, 323, 307 and 504 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act. Later on Section 302 of the Indian Penal Code was added.



The appellants and other co-accused persons are said to have assaulted the father of the informant by means of *lathi* and *danda*. The accused persons also abused the informant by naming his caste.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that the matter has been compromised between the parties. It is also submitted that the appellants have got no criminal antecedent.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Learned counsel for the informant also submits that the matter has been compromised between the parties.

Having considered the fact that the matter has been compromised, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with Ghorasahan (Jitna) P.S. Case No.123 of 2015,



subject to the conditions laid down under Section 438(2) of the
Cr.P.C.

Accordingly, the impugned order is set aside and this
appeal is allowed.

(Anjani Kumar Sharan, J.)

Sanjay/-

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