

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1522 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- KALYANPUR District- East Champaran

1. KAMESHWAR PD. SINGH @ KAMESHWAR PRASAD SINGH Son of Brij Narayan Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
2. ARINJAY KUMAR SINGH Son of Brij Narayan Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
3. KRISHNAKANT KUMAR Son of Shashi Kumar Singh Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
4. VIKASH KUMAR Son of Arinjay Kumar Singh Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
5. MAYA YADAV Son of Bhagwan Yadav Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
6. AJEET KUMAR SINGH Son of Late Vijay Kumar Singh Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
7. AMIT KUMAR SINGH Son of Late Vijay Kumar Singh Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
8. RAJAN TIWARI Son of Ramadhar Tiwari Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
9. CHANDAN TIWARI Son of Ashok Tiwari Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
10. SHASHI KUMAR SINGH Son of Brij Narayan Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
11. MANOJ TIWARI Son of Harihar Tiwari Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
12. GUDDU TIWARI Son of Rajkishore Tiwari Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
13. BHOLA TIWARI Son of Gagandeo Tiwari Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
14. SHIV BAITHA Son of Bigan Baitha Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
15. SHUBHASH TIWARI son of Ram Lakshan Tiwari Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
16. AWADHESH SINGH son of Ram Lakhan Singh Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
17. RAVINDRA SAH Son of Shiv Shankar Sah Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
18. SARABDEV BAITHA son of Bigan Baitha Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
19. SABINDRA SAH Son of Shiv shankar Sah Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.



20. MITHLESH BAITHA Son of Shiv Baitha Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
21. RAJESHWAR THAKUR son of Sitaram Thakur Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
22. BHOLA SINGH son of Late Ram lakhani Singh Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
23. SANJAY KUMAR SINGH Son of Brij Narayan Singh Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.
24. RANJAN KUMAR TIWARI Son of Ashok Tiwari Resident of Village - Shambhuchak, P.S. - Kalyanpur, District - East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor and perused the case diary.

The present appeal is directed against the order dated 09.02.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST, East Champaran, Motihari in a case registered for the offence punishable under Sections 147, 149, 341, 323, 307, 354, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s) of the SC/ST Act whereby anticipatory bail of the appellants have been rejected.

It is a case of assault upon the informant and his brother Upendra Paswan causing injury to them. Informant is a member of SC/ST community.



It is submitted by learned counsel for the appellants that the provision of SC/ST Act is not attracted because there is no intention of the appellants to insult the informant who is a member of the SC/ST community and no any intimidating words were used by the accused persons and the petitioners to insult the informant and the injured.

Learned counsel for the Special Public Prosecutor on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 09.02.2022 passed in ABP No.96 of 2022 is hereby set aside.

The appellants are directed to be enlarged on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST, East Champaran, Motihari in connection with Kalyanpur P.S. case No. 271 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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

