

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1057 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- KALYANPUR District- East Champaran

1. LALAN SAH Son of Sonelal Sah Resident of Village- Shambhuchak, P.S. Kalyanpur, District- East Champaran.
2. Umesh Sah Son of Sonelal Sah Resident of Village- Shambhuchak, P.S. Kalyanpur, District- East Champaran.
3. Suresh Sah Son of sonelal Sah Resident of Village- Shambhuchak, P.S. Kalyanpur, District- East Champaran.
4. Raja Sah @ Abhishek Kumar S/o Sonelal Sah Resident of Village- Shambhuchak, P.S. Kalyanpur, District- East Champaran.
5. Bhageshwar Sah Son of Ramchandra Sah Resident of Village- Shambhuchak, P.S. Kalyanpur, District- East Champaran.
6. Pundeo Sah S/o Tokhan Sah 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. Ranjana Srivastava, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 21.02.2022 passed by learned Special Judge, Schedule Caste and Schedule Tribe, East Champaran, Motihari in a case registered for the offence punishable under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(1) (r)(s) of the Schedule Caste and Schedule Tribe (Prevention of



Atrocities) Act, whereby anticipatory bail of the appellants have been rejected.

It is a case of assaulting, abusing and threatening the informant.

It is submitted by learned counsel for the appellants that there is general and omnibus allegation against the appellants and the provision of SC/ST Act is not attracted because of the occurrence was not occurred in public place and the appellants have no intention to insult the informant being a member of the SC/ST community and the good sense has prevailed between the parties.

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 Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 21.02.2022 passed in ABP No.496 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 Special Judge,
Schedule Caste and Schedule Tribe, East Champaran, Motihari
in connection with Kalyanpur P.S. Case No. 330 of 2021
corresponding to SC/ST Act Case No. 331 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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