

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1132 of 2022

Arising Out of PS. Case No.-284 Year-2021 Thana- BANIAPUR District- Saran

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Rakesh Thakur @ Rakesh Kumar Thakur Son of Ravindra Thakur Resident of
Village - Sareya Hardi Tola, P.S.- Baniyapur, District - Saran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Baleshwar Sharma Son of Late Mohan Sharma Resident of Village - Sareya
Hardi Tola, P.S.- Baniyapur, District - Saran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Harish Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the appellant and learned
Special P.P for the State.

The appellant has challenged the order dated 08.03.2022 passed by the learned Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Saran in connection with A.B.P. No. 687 of 2022 arising out of Baniyapur P.S. Case No. 284 of 2021 instituted for the offences punishable under Sections 323, 341, 324, 379, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)(v) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby his prayer for being released on anticipatory bail has been rejected.

The accusations are of making assault and abusing by



calling caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case and in the background of some previous land dispute, the present case has been lodged. It is further submitted that informant belongs to caste "Lohar". Hence, the case will not come within the purview of SC/ST Act as per the observations made by Hon'ble Supreme Court with regard to caste "Lohar". It is also submitted that appellant had no intention to commit the offence as alleged against the informant being a member of SC/ST. Moreover, the occurrence took place has not committed in public view.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 08.03.2022 passed by the learned Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Saran at Chapra.

Accordingly, this appeal is allowed.

The appellant, above named is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Saran at Chapra, in



connection with A.B.P. No. 687 of 2022 arising out of Baniya-
pur P.S. Case No. 284 of 2021.

(Sunil Kumar Panwar, J)

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