

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1445 of 2022**

Arising Out of PS. Case No.-796 Year-2021 Thana- MAHUA District- Vaishali

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Dharmendra Kumar Jha @ Dhiru Jha Son of Late Kameshwar Jha Resident of Village - Parmanandpur @ Parmanandpur Bujurg, P.S.- Mahua, Distt.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Narendra Kumar Son of Shivji Das Resident of Village - Parmanandpur, P.S.- Mahua, Distt.- Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Surendra Kishore Thakur
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 02-11-2022 Heard learned counsel appearing on behalf of appellant, informant and Spl. Public Prosecutor.

This appeal has been against the order dated 03.03.2022 passed by learned Additional Sessions Judge III-cum-Special Judge SC/ST (POA) Act, Vaishali at Hajipur in connection with Mahua P.S. Case No. 796 of 2021, registered under Sections 447, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



As per FIR, accused persons including this appellant abused the informant and assaulted him by brick and shoe.

It is submitted on behalf of appellant that, as a matter of fact, informant and others assaulted the appellant and his family members in which father of the informant sustained grievous injury and died during course of treatment. This case is counter blast of Mahua P. S. Case No. 795 of 2021 lodged by father of the informant. Further, in FIR there is no allegation of abuse by calling caste name by the appellant and as such no case is made out under SC/ST Act against him. Appellant has got clean antecedent.

Learned counsel for respondent No. 2 vehemently opposes the bail application.

Considering the nature of accusation and clean antecedent of the appellant, let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge III-cum-Special Judge, SC/ST Act, Vaishali in connection with Mahua P.S. Case No. 796 of 2021.

Accordingly, the impugned order, is set aside and the



criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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