

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1533 of 2022**

Arising Out of PS. Case No.-567 Year-2021 Thana- SONEPUR District- Saran

Akhilesh Kumar @ Akhilesh Shaw Son of Dwarika Shaw Resident of Village
- Bajrang Chowk, Sultanpur, P.s.- Sonpur, Distt.- Saran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sanju Devi W/o Kalku Paswan Resident of Village - Bajrang Chowk,
Sultanpur, P.s.- Sonpur, Distt.- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**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
04.04.2022 passed by the learned Additional District
and Sessions Judge-III-cum-Special Judge, SC/ST Act,
Saran in connection with A.B.P. No. 479 arising out of
Sonpur P.S. Case No. 567 of 2021 instituted for the
offences punishable under Sections 341, 342, 323, 324,
325, 354, 504, 506 of the Indian Penal Code and
Sections 3(1)(r)(s) of the SC & ST (Prevention of
Atrocities) Act, whereby his prayer for being released on



anticipatory bail has been rejected.

The accusations are of making assault, outraging the modesty and abusing by calling caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. There is general and omnibus allegation against the appellants. It is further submitted that the injury report is not available on record as apparent by the impugned order, the petitioner has not committed any offence. As per F.I.R, the occurrence has not committed in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 04.04.2022 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Saran in connection with A.B.P. No. 479 of 2022 arising



out of Sonpur P.S. Case No. 567 of 2021.

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 and Sessions Judge-III-cum-Special Judge, SC/ST Act, Saran in connection with A.B.P. No. 479 of 2022 arising out of Sonpur P.S. Case No. 567 of 2021.

(Sunil Kumar Panwar, J)

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