

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1662 of 2022

Arising Out of PS. Case No.-333 Year-2021 Thana- BIKRAM District- Patna

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ABHISHEK KUMAR @ ABHISHEK PAL S/o Sanjay Kumar Pal Resident
of Village- Barki Baliyari, P.O.- Arap, P.S.- Bikram, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kshatri Nat S/o Chandradeo Nat Resident of Village- Barki Baliyari, P.S.-
Bikram, District- Patna.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 14-12-2022 Heard learned counsel for the appellant, learned

Special P.P. for the State and learned counsel appearing on

behalf of respondent no. 2.

The present appeal has been filed against order dated
21.04.2022 passed by learned Special Judge, SC/ST, Patna in
Bikram P.S. Case No. 333 of 2021 registered for the offence
punishable under Sections 341, 323, 504, 506, 34, 379, 427 of
the Indian Penal Code and Section 3(i)(r)(s)/3(2)(va) of the
SC/ST Act, whereby the prayer for anticipatory bail of appellant
was rejected.

As per F.I.R., on 05.12.2021 at about 9:00 AM, co-
accused Vikash Kumar and this petitioner came to the shop of
the informant, abused and assaulted him and also threatened
him. It is further alleged that they also misbehaved with female
members and snatched Rs. 9,000/- from the cash box.



It is submitted on behalf of petitioner that F.I.R. has been lodged after six days of the occurrence and there is no plausible explanation of delay. In fact, a written complaint was filed by 56 beneficiaries of the area including appellants alleging irregularities being committed by the informant, who is P.D.S. dealer and in retaliation, this false and concocted case has been lodged. There is no allegation of abuse by caste name and as such, no case under the SC/ST Act is made out.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 21.04.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Patna in connection with Bikram P.S. Case No. 333 of 2021 .

(Prabhat Kumar Singh, J)

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