

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3142 of 2021**

Arising Out of PS. Case No.-163 Year-2020 Thana- KALYANPUR District- East Champaran

MUNNA KUMAR @ MUNNA BHAGAT Son of Sri Shivrath Bhagat  
Resident of Village - Piprakhum, P.S.- Kalyanpur, District - East Champaran  
(Motihari)

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Choudhary Son of Jagdev Choudhary R/O vill- Harpur Haridas,  
P.S.- Kalyanpur, District- East Champaran

... .. Respondent/s

**Appearance :**

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For the Appellant/s  | : | Mr.A.K.Thakur, Adv.<br>Mr.Shivam, Adv. |
| For the Respondent/s | : | Mrs.Usha Kumari 1, Spl.P.P.            |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

5      23-11-2022      Heard the parties.

Vide order dated 01.11.2022, learned Spl.P.P. for the State was directed to inform the informant about his appearance in this case.

Learned Spl.P.P. for the State submits that he had informed the S.P., East Champaran at Motihari regarding the same.

Nobody appears on behalf of respondent no.2.

Learned counsel for the appellant is directed to remove rest of the defect(s) pointed out by the office within four weeks.

This is an appeal under section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 (hereinafter in short referred to as the



‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 22.06.2021, passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge, SC/ST Act, East Champaran at Motihari, in connection with Kalyanpur P.S. Case No.163 of 2020, registered u/s 147, 148, 149, 323, 324, 325, 326, 307, 302, 504, 506, 427 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, the FIR named accused persons including the appellant is said to have indiscriminately assaulted the informant’s side by means of various weapons. It is alleged that due to the said assault brother of the informant died in the way to hospital.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation due to political rivalry. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against the appellant to have abused or assaulted the informant’s side. It is further submitted that similarly situated co-accused namely Dharmendra Das has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.04.2021 passed in Cr. Appeal (SJ) No.1335 of 2021. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.



Considering the facts and circumstances of the case, since similarly situated co-accused have been granted bail, let the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge, SC/ST Act, East Champaran at Motihari, in connection with Kalyanpur P.S. Case No.163 of 2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

**(Anjani Kumar Sharan, J)**

pallavi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

