

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1875 of 2022**

Arising Out of PS. Case No.-2 Year-2020 Thana- SC/ST District- Jehanabad

CHOTELAL KUMAR S/o Awadhesh Singh Resident of Village- Fakharpur,  
P.S. and District- Arwal

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Rama Kant Singh, Advocate  
For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      21-07-2022                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 04.01.2022 passed by learned Additional District and Sessions Judge-I, Jehanabad in a case registered for the offence punishable under Sections 341, 323, 325 and 504 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

It is a case of assaulting by means of iron rod upon the informant by the appellant but not on the vital part of the body.

It is submitted by learned counsel for the appellant that the provision of SC/ST Act is not attracted because there is no intention of the appellant to insult the informant who is a member of the SC/ST community and it is also submitted that



the occurrence did not take place in public view.

Learned counsel for the Special Public Prosecutor on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 04.01.2022 passed in ABP No.1229 of 2021 is hereby set aside.

The appellant is directed to be enlarged on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I, Jehanabad in connection with Arwal P.S. case No. 02 of 2020.

**(Sunil Kumar Panwar, J)**

Brajesh Kumar/-

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