

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2584 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- AMARPUR District- Banka

RAJNISH KUMAR Son of Vishnudeo Kumar @ Vishnudeo Chuniara
Resident of village - Khemichak, P.S.- Amarpur, District - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate

For the Respondent/s : Mr. Special P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-08-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 12.04.2022 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Banka in a case registered for the offence punishable under Sections 419, 420, 467, 468, 447 and 120(B) of the Indian Penal Code and Sections 3(2)(va)(g) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

It is a case of purchasing the land by the appellant fabricating the documents as well as cheating the informant.

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. It is also submitted that good sense has prevailed between the parties vide Annexure-3 of this



petition.

On the other hand, learned counsel for the Special Public Prosecutor opposes the prayer for anticipatory bail of the appellant.

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 12.04.2022 passed in ABP No.636 of 2022 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 Sessions Judge-I-cum-Special Judge SC/ST Act, Banka in connection with Amarpur P.S. case No. 138 of 2022.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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