

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3748 of 2021**

Arising Out of PS. Case No.-86 Year-2021 Thana- SULTANGANJ District- Bhagalpur

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DHANESHWAR SAH @ DHANESHWAR PRASAD SAH SON OF LATE
AGHORI SAH R/O MOHALLA- MUNSIPATTI, KALI ASTHAN,
SULTANGANJ, P.S.- SULTANGANJ, DISTRICT- BHAGALPUR

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Mithlesh Kumar Paswan @ Robat Paswan Son of late Chandrashekhar Paswan R/O Village- Munshi Patti Kali Asthan, P.S.- Sultanganj, District- Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bijendra Kumar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-11-2022 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 19.08.2021, passed by learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Sultanganj P.S. Case No.86 of 2021 (Special SC/ST Case No.64 of 2021), registered under Sections 341, 323, 307/34 of the Indian Penal Code and Section 3(1)(r)(s)(w) of the SC/ST Act.

The appellant alongwith other co-accused persons are said to have assaulted the informant by means of lathi and rod



causing injuries to him. It is also alleged that the appellant abused the informant by naming his caste. It is alleged that the appellant and other accused persons snatched chain, locket and ring made of gold from possession of the informant.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is general and omnibus allegation against the appellant. It is submitted that earlier the appellant had filed a case against the informant and thereafter the present case is filed by the informant against the appellant. Learned counsel for the appellant submits that the injuries are simple in nature. It is further submitted that police has recovered one country made pistol and one cartridge from possession of the informant.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Having considered the fact that there is case and counter case between the parties and injuries are simple in nature, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six



weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Sultanganj P.S. Case No.86 of 2021 (Special SC/ST Case No.64 of 2021), subject to the conditions 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)

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