

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2834 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- KATIHAR NAGAR District- Katihar

Mukesh Yadav @ Mukesh Kumar S/O- Shambhu Yadav R/O - Buddhuchak,
P.S.- Katihar Sahayak, Distt.- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dina Devi W/o- Late Hari Uraon R/o officers Colony, Uraon Tola, P.S. Katihar Sahayak, Distt. - Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2022 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 24.06.2022 passed by learned 1st Additional District Judge-cum-Special Judge, SC/ST, Katihar in connection with Katihar Nagar Sahayak P.S. Case No. 113 of 2021 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 447, 504, 506, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, whereby his prayer for being released on



anticipatory bail has been rejected.

It is alleged against the appellant and others that they forcibly fencing the land of the informant and when protest was made, the accused persons manhandled and abused by calling caste name. It is alleged against the appellant that he fired from his pistol.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case and in the background of some land dispute, the present case has been lodged. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. A statement has been made in para 3 of the petition that appellant is accused in one other case apart from the present one.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 24.06.2022.



Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District Judge-cum-Special Judge, SC/ST, Katihar in connection with Nagar Sahayak P.S. Case No. 113 of 2021.

(Sunil Kumar Panwar, J)

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