

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2809 of 2022**

Arising Out of PS. Case No.-287 Year-2021 Thana- KALYANPUR District- East Champaran

Raushan Kumar Son of Shyam Kishore Singh Resident of Village- Vishunpur  
Dhir, P.S.- Kalyanpur, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Faij Ahmad Faij Son of Md. Manjurul Haque Village - Bahlolpur, P.S.-  
Dhaka, District - East Champaran.

... .. Respondent/s

**Appearance :**

|                      |   |                   |
|----------------------|---|-------------------|
| For the Appellant/s  | : | Mr.Abhishek Kumar |
| For the Respondent/s | : | Mr.Binay Krishna  |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      19-10-2022                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 21.07.2022 passed by learned Special Judge SC/ST (POA) Act, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 287 of 2021 under Sections 307, 354, 379 and other allied sections of the Indian Penal Code, section 27 of the Arms Act, section 3 of the DP Act, section 131, 134(b), 135, 135(A) of the RP Act and section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.



As per the prosecution case, all the FIR named accused persons including this petitioner and more than 200 unknown persons attacked on the polling booth, assaulted the police personnel, snatched pistol, damaged EVM machine and also fired upon the police personnel.

It is submitted on behalf of the appellant there is general and omnibus allegation. No specific overt act has been alleged against these appellant. No case under SC/ST Act is made out, as there is no allegation of abuse by caste name. Similarly situated co-accused persons have been granted bail by this court. Appellant has got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 21.07.2022 passed by learned Special Judge SC/ST (POA) Act, East Champaran at Motihari, is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, East Champaran at Motihari in connection with



Kalyanpur P.S. Case No. 287 of 2021.

**(Prabhat Kumar Singh, J)**

vinita/-

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