

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2810 of 2022

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

1. Pratik Kumar @ Pratik Kushwaha S/o Premchand Prasad @ Premchandra Prasad R/o village- Vishunpur Dhir, P.S.- Kalyanpur, District- East Champaran
2. Manish Kumar @ Manish Kumar Bhagat S/o Bharat Prasad R/o village- Vishunpur Dhir, P.S.- Kalyanpur, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 27.07.2022 in A.B.P. No. 435 of 2022 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 287 of 2021 registered under Sections 147, 148, 149, 341, 323, 325, 353, 354, 504, 506, 509, 307, 427, 379, 188, 440, 332, 171 of the Indian Penal Code, and 27 of the Arms Act, and Section 3 of the D.P. Act, and Sections 131, 134(b), 135, 135(A) of the R.P. Act and Section 3(I)(r)(s) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

According to the prosecution case, on 03.11.2021, voting was going on smoothly but Mukhiya candidate Priyanka Sinha along with 200-250 armed supporter including the appellants came and start disturbing the voting process and misbehaved with one Priya Kumari and tried to kill her.

Learned counsel for the appellants submits that appellants along with other co-accused person are said to have attacked on the police station, brutally assaulted police personnel and destroyed the E.V. Machine. He further submits that the appellant no. 1 carries two more criminal antecedents and the appellant no. 2 has clean antecedent. He further submits that the appellants are innocent and has been falsely implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the appellants and no specific allegation of abuse is levelled against the appellants.

He further submits that the co-accused, namely, Priyanka Sinha has been granted anticipatory bail vide order dated, 22.03.2022 passed in Cr. Appeal (SJ) No. 218 of 2022.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offense under the provisions of



Scheduled Castes and Scheduled Tribes Act is made out.

Hence, let the appellants, above, named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the



appellants have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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