

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2926 of 2022**

Arising Out of PS. Case No.-137 Year-2021 Thana- KHUSRUPUR District- Patna

SAILESH KUMAR S/o Vijendra Singh R/o village- Malpur, P.S.- Khusrupur,
District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Anand
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 12-10-2022 Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the appellant.

This appeal has been preferred on behalf of the
appellant under Section 14-A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act for setting aside
the order dated 28.08.2021 passed by the learned A.D.J.-IIIrd-
cum-Special Judge, SC/ST Act, Patna in A.B.P. No. 5852 of
2021 arising out of Khusrupur P.S. Case No. 137 of 2021,
registered for the offences punishable under Sections 147, 148,
149, 188, 337, 332, 333, 269, 353, 307, 379, 504, 506, 120 b, of
the Indian Penal Code and 3/6 Epidemic Diseases Amendment



Act 2020 and 51, 52, 54 of the Disaster Management Act & Section 3(1)(r)(s)/3 (2) (V-U) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

Learned counsel for the petitioner has submitted that earlier the anticipatory bail petition was mistakenly been withdrawn.

As per allegation, the members of Barati party has flouted the guidelines of restrictions of Covid-19 and when the informant along with police party went there, they protested and they threw stones. They also attempted to snatch the arms from the police personnel. The accused persons abused Brijesh Kumar, a Police Constable by calling his caste name.

Learned counsel for the petitioner has submitted that the occurrence has not taken place due to malicious feeling of caste and the appellant is a person of clean antecedent.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 28.08.2021 passed by the learned A.D.J.- IIIrd-cum-Special Judge, SC/ST Act, Patna is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-IIIrd-cum-Special Judge, SC/ST Act, Patna in connection with Khusrupur P.S. Case No. 137 of 2021.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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