

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2957 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- SC/ST District- Araria

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Vimal Kumar Saha @ Vimal Kumar Sah Son Of Pramod Narayan Saha
Resident Of Village - Dan Nagar, Near Durgasthan, P.S.- Nagar Thana,
Khagariya, District - Khagariya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Devi wife of Sadanand Paswan Resident of village - Bhirbhiri, Ward
No. 6, P.S.- Sikty, District - Araria.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Gopal Kumar Jha
For the Respondent/s : Mr.Usha Kumari I

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

learned Special P.P for the State.

The appellant has challenged the order dated

27.05.2022 passed by learned 1st Additional Sessions

Judge-cum-Special Judge, Araria in connection with

Special (SC/ST) Case No. 30 of 2021 arising out of

Araria (SC/ST) P.S. Case No. 15/2021 instituted for the

offences punishable under Sections 341, 323, 354(B),

379, 504, 506/34 of the Indian Penal Code and Sections

3(2)(Va) of the SC & St Act, whereby his prayer for



being released on anticipatory bail has been rejected.

The prosecution story as per F.I.R. is that due to non-payment of electric bill, the appellant and co-accused directed the electricity employee to disconnect the electric supply. It is further alleged that due to this issue scuffle had started with the husband of the informant and when the informant tried to intervene, the appellant along with co-accused, assaulted the informant and abused with her caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. There is counter version of the occurrence also and both sides have sustained injuries. As per F.I.R, the occurrence took place in the house of the informant, not 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 has no criminal antecedent.

Taking into account the aforesaid facts, this



Court deems it appropriate to set aside the order dated
27.05.2022.

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) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 30/2021 arising out of Araria (SC/ST) P.S Case No. 15/2021.

(Sunil Kumar Panwar, J)

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