

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4132 of 2021

Arising Out of PS. Case No.-165 Year-2021 Thana- PARBATTa District- Khagaria

PAWAN KUMAR SINGH @ ABHINAV RAJ ANAND Son of Police Singh
@ Pulish Singh Resident of Village - salarpur, Police Station - Parbatta,
District - Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

2 30-06-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State.

The present appeal is directed against the order dated 02.09.2021 passed by learned Additional Sessions Judge-I, Khagaria-cum-Special Judge (SC/ST), Khagaria in a case registered for the offence punishable under Sections 341, 323, 354(B), 379 and 307/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3 (2) (ra) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

It is a case of assaulting and abusing indicating caste name of the informant by the appellant including the accused persons.

It is submitted by learned counsel for the appellant that incident as alleged did not occur in public view, hence, the informant was not insulted in public domain and there is general and omnibus allegation against the appellant. It is also submitted that there is no specific allegation of assault by means of rod



upon the informant and her son and the provision of SC/ST Act is not attracted against the appellant.

Learned counsel for the State on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 02.09.2021 passed in Special A.B.A. (SC/ST Act) No.38 of 2021 is hereby set aside.

The appellant is directed to be enlarged on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Khagaria in connection with Parbatta P.S. Case No. 165 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

U		T	
---	--	---	--

