

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.551 of 2021**

Arising Out of PS. Case No.-27 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

MD BIDUR @ MD. PYARE BABU S/O MD. MUSHTAQUE R/OV-DOHI,
P.S-GHANSHYAMPUR, DISTRICT-DARBHANGA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sarwan Paswan Sidheshwar Paswan R/V-Dauri, P.S.-Ghanshyampur,
District-Darbhang

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar, Adv
For the Respondent/s : Mr. Ajit Ranjan Kumar, Spl.P.P

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 07-07-2022 Heard learned counsel for the appellant, learned counsel for
the respondent no.2 and learned Spl.P.P. for the State.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 11.05.2020 passed by learned Additional Sessions Judge 1st cum Special Judge, (SC/ST) (POA), Darbhanga, in connection with Ghanshyampur P.S. case no. 27 of 2020, under sections 341, 323, 324, 307 of the Indian Penal Code and 3 (2) (Va) of the SC/ST (POA).

Allegedly, the appellant snapped the photo of the informant's sister-in-law and when he came to ask about the same, he assaulted him with a knife and fled away.



It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. Appellant has no criminal antecedent. Injuries are simple in nature. He further submitted that there is no specific allegation of abuse by taking caste name, as such no offence under the section SC/ST Act is made out.

Learned Spl.P.P. for the State and learned counsel for respondent no.2 opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific allegation of abuse by taking caste name, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge, (SC/ST Act), Darbhanga in Ghanshyampur P.S. Case No. 27 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this appeal is allowed.

(Anjani Kumar Sharan, J)

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