

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3200 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- SC/ST District- Purnia

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1. Jeet Narayan Sharma Son Of Late Mahavir Sharma Resident Of Chitrabani Road, Ward No.- 22, P.S.- K. Hat (Sahayak), District - Purnea
 2. Sanjeet Sharma @ Vikky @ Sanjeet Kumar Sharma Son Of Jeet Narayan Sharma Resident Of Chitrabani Road, Ward No.- 22, P.S.- K. Hat (Sahayak), District - Purnea
 3. Manjeet Sharma @ Manjeet Kumar Sharma Son Of Jeet Narayan Sharma Resident Of Chitrabani Road, Ward No.- 22, P.S.- K. Hat (Sahayak), District - Purnea
 4. Manju Devi Wife Of Jeet Narayan Sharma Resident Of Chitrabani Road, Ward No.- 22, P.S.- K. Hat (Sahayak), District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikky Kumar Paswan Son of Sudhanshu Paswan Resident of Village - Naya Tola, Line Bazar, Ward No.- 20, P.S.- K. Hat (Sahayak), District - Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijendra Kumar Singh
For the Respondent/s : Mrs.Usha Kumari No.1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-10-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

29.07.2022 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, SC/ST Act, Purnea in A.B.P. No. 62 of

2022 in connection with SC/ST P.S. Case No. 3 of 2022,

Purnea, instituted for the offences punishable under Sections

341, 323, 379, 447, 504, 506/34 of the Indian Penal Code



and Section 3(1)(r)(s)(za) of the SC & ST (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.

The accusations are of making assault and abusing by calling caste name.

Learned counsel for the appellants seeks permission to withdraw the appeal with regard to appellant No. 2 namely Sanjeet sharma @ Vikky @ Sanjeet Kumar Sharma since he has been arrested.

Permission is accorded.

Accordingly, the appeal with regard to appellant No. 2 is permitted to be withdrawn.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case and in the background of some in the background of some land dispute, the present case has been lodged. As per F.I.R, the occurrence took place in the house of the appellant, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellants. A statement has been made in para 3 of the



petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 29.07.2022 passed in A.B.P. No. 62 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea.

Accordingly, this appeal is allowed.

The appellants, above named, except appellant No. 2 is directed to be released on bail in the event of their 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, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 3 of 2022.

(Sunil Kumar Panwar, J)

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