

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4640 of 2021**

Arising Out of PS. Case No.-15 Year-2021 Thana- SC/ST District- Kaimur (Bhabua)

KAUSHAL PATEL Son of Late Brahma Singh Patel Resident of Bhabua,
Ward No. 11, P.S.- Bhabua, District- Kaimur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar Mishra, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P. Mr.Tribhuwan Narayan, Adv. Ms.Mukul Kumari, Adv.

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

2 25-07-2022 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Special Public Prosecutor
for the State.

Learned counsel for the appellant undertakes to remove
the defects within three weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

This is an appeal under section 14(A) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for anticipatory bail vide order dated
18.09.2021, passed by learned Sessions Judge, Kaimur at
Bhabua, in connection with SC/ST P.S. Case No.15 of 2021,



registered u/s 147, 148, 149, 341, 323, 307, 379, 504, 506 of the IPC and sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

Allegation against the appellant is of abusing the informant on the gun point. Thereafter other accused persons took the informant inside the toilet and assaulted with an intention to kill, due to which he sustained several injuries.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence has not taken place in the public view. Also, there is general and omnibus allegation against all the accused persons. Slating the informant in the caste name is not said to have been done in the public view. It is further submitted that there is a compromise between the parties. Appellant has three criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant have not opposed the fact that parties have compromised the case.

Considering the facts and circumstances of the case and in view of the compromise between the parties, the appellant



named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Kaimur at Bhabua, in connection with SC/ST P.S. Case No.15 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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