

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3541 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- KALUAHI District- Madhubani

RAJENDRA PASWAN Son of Chalittar Paswan @ Charittar Paswan
Resident of village- Haripur Deehtola, P.S.- Kaluahi, District- Madhubani
... .. Appellant/s

Versus

1. The State of Bihar
2. Bhogi Malik Son of Late Jhungur Malik Resident of Village- Haripur,
Dihtola, P.S.- Kaluahi, District- Madhubani
... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-12-2022 Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel appearing on
behalf of respondent no. 2.

The present appeal has been filed against order dated
05.09.2022 passed by learned A.D.J.-I-cum-Special Judge,
Madhubani in Kaluahi P.S. Case No. 75 of 2022 registered for
the offence punishable under Sections 436, 504, 506/34 of the
Indian Penal Code and Sections 3(i)(r)(s)w(i)w(ii), 3(2)(ca),
3(2)(v) of the SC/ST Act, whereby the prayer for anticipatory
bail of appellant was rejected.

As per F.I.R., this appellant alongwith other co-
accused persons came to the house of informant, abused him
with caste name and set the house of informant on fire.

Learned counsel for the appellant submits that



appellant himself a member of Scheduled Caste category and as such, no offence under the SC/ST Act is made out against him. He further submits that due to land dispute between the parties, this false and frivolous case has been lodged. Informant is in the habit of filing false case against the appellant and earlier also, he had filed a case against one of the co-accused Rameshwar Yadav. Appellant has got clean antecedent.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 05.09.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge, Madhubani in connection with Kaluahi P.S. Case No. 75 of 2022.

(Prabhat Kumar Singh, J)

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