

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3633 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- PARSABAZAR District- Patna

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1. Ramjee Singh Son Of Late Ramashish Singh Resident Of Village- Domanchak, P.S.- Gopalpur, District- Patna, At Present Residing Of Boring Canal Road, Patna, P.S.- S.K. Puri, District- Patna
 2. Ayush Kumar Son Of Sri Ramjee Singh Resident Of Village- Domanchak, P.S.- Gopalpur, District- Patna, At Present Residing Of Boring Canal Road, Patna, P.S.- S.K. Puri, District- Patna. Advocate
 3. Madan Mistri Son Of Late Jadu Mistri Resident Of Village- Khaira Tali, P.S.- Parsa Bazar, District- Patna
 4. Abhinash Kumar @ Neta Son Of Sri Madan Mistry Khairaresident Of Village- Khaira Tali, P.S.- Parsa Bazar, District- Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Subhash Paswan Son Of Late Basudeo Prasad Resident Of Village- Khaira Tali, P.S.- Parsa Bazar, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vaishnavi Singh, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Special P.P.
For the Informant	:	Mr. Rajiv Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-11-2022 Heard learned counsel for the appellant, learned counsel for Informant and learned Special Public Prosecutor.

The present appeal is directed against the order dated 02.09.2022 passed by learned Exclusive Special Judge- SC/ST, Patna in a case registered for the offence punishable under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(x) of the SC/ST (POA), Act whereby anticipatory bail of the appellants have been rejected.



It is a case of assault, intimidation and abuse to the informant at the hands of the appellants.

It is submitted by learned counsel for the appellants that the provision of SC/ST Act is not attracted because there is no intention of the appellants to insult the informant who is a member of the SC/ST community and it is also submitted that there is case and counter case between the parties and also the land dispute is in existence between them as alleged in the FIR.

Learned counsel for the Special Public Prosecutor and the Informant on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 02.09.2022 passed in ABP No.4220 of 2022 is hereby set aside.

The appellants are 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Judge, SC/ST, Patna in connection with Parsa Bazar P.S. case
No. 223 of 2022.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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