

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4173 of 2022**

Arising Out of PS. Case No.-295 Year-2022 Thana- CHOUTARWA District- West
Champaran

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Kamlesh Yadav Son Of Mainekar Yadav @ Manejar Yadav R/O Chandarpur
Bakwa, P.S.- Chautarwa, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishnawati Devi Wife Of Late Mukhlal Paswan R/O Chandarpur Bakwa,
P.S.- Chautarwa, District- West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arvind Kumar
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-12-2022 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
20.10.2022 passed by learned 1st Additional District &
Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah
in connection with Chautarwa P.S. Case No. 295 of
2022 instituted for the offences punishable under
Sections 341, 323, 504, 325, 506, 379, 354, 34 of the
Indian Penal Code, Section 3/ 4 of the Witch Practices
Act and Sections 3(1)(r)(s), 3(ii)(va) of the SC & ST



(Prevention of Atrocities) Act, whereby his prayer for being released on anticipatory bail has been rejected.

The accusations are of making assault and abusing by the informant as Witch. The accused persons also abused the informant by calling caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case and in the background of some petty dispute, the present case has been lodged. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 20.10.2022 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah in connection with Chautarwa P.S. Case No. 295 of



2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah in connection with Chautarwa P.S. Case No. 295 of 2022.

(Sunil Kumar Panwar, J)

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