

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.316 of 2022

Arising Out of PS. Case No.-3 Year-2021 Thana- SURSAND District- Sitamarhi

Ganesh Raut Son Of Shree Narayan Raut Resident Of Village- Sursand, Purbi
Tola, Ward No. 12 P.S. Sursand, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pushpendra Kumar Singh
For the Informant	:	Mr.Anil Kumar Sinha
For the Respondent/s	:	Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 22.03.2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Sursand P.S. Case No. 03 of 2021 under Sections 341, 323, 325, 379, 506/34 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

As per the prosecution case, on the alleged date and time of occurrence, all the accused persons including appellant



having armed with lathi, iron rod came at *Darwaja* of informant and abused her by calling her caste name and assaulted her and family members. Petitioner pushed the son of informant as a result of which his left hand got fractured.

It is submitted on behalf of the appellants that due to previous dispute between the parties with respect to homestead land, the informant lodged this false and concocted case. The injuries are simple and the matter has been compromised between the parties. It is next submitted that FIR nowhere spells out that any member of public was present at the time of incident which occurred at the door of the informant and as such no offence under SC/ST Act is made out. Appellant claims clean antecedent.

Counsel for respondent no. 2 however vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 22.03.2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this



order, 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 the learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Sursand P.S. Case No. 03 of 2021.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

