

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1028 of 2023**

Arising Out of PS. Case No.-159 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

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PAPPU JHA S/o Shyamanand Jha R/o Village- Rampur, P.S.- Muffasil, Distt-  
Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gudari Munda S/o Late Sukdev Munda R/o Village- Nayatola Brahmchari,  
P.S.- Muffasil, Distt- Katihar.

... .. Respondent/s

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**Appearance :**

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|---------------------|---|-------------------------------------------|
| For the Appellant/s | : | Mr. Bimal Kumar, Advocate                 |
| For the Informant   | : | Mr. Suresh Prasad Sah@ Baranwal, Adv.     |
| For the State       | : | Mr. Usha Kumari 1, Spl. Public Prosecutor |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**

ORAL ORDER

3      12-07-2023                      Heard learned counsel for the appellant, the State and  
respondent no.2.

The present appeal is directed against the order dated  
07.02.2023, passed in a case registered for the offence  
punishable under Sections 341, 323, 324, 307, 379, 504, 34 of  
the Indian Penal Code read with Sections 3 (i) (r) (s) / 3 (2) (va)  
of the SC/ST Act, whereby anticipatory bail of the appellants



has been rejected.

It is alleged that the appellant along with other accused persons assaulted and abused the informant by caste name.

It is submitted on behalf of the appellant that as per FIR, the appellant is only order giver and there is no allegation of overt act against this appellant. It is not the case of informant that any member of public present at the time of occurrence, and as such, no offence under SC/ST Act is made out.

Learned counsel for the State and respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 07.02.2023 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory 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 Additional Sessions Judge-I cum Special Judge SC/ST, Katihar in connection with Muffasil P.S Case No. 159 of 2022, subject



to the condition as laid down under Section 438 (2) of the Code  
Of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

Alok Verma/-

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