

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1640 of 2023

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKARPUR District- West Champaran

MANISH KUMAR PATEL SON OF MANOJ PATEL RESIDENT OF VIL-
LAGE- SHIHPUR, PS- SATHI, DISTT- WEST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. AJAY KUMAR BAITHA SON OF CHANDRADEV BAITHA RESIDENT
OF VILLAGE- TAKIYA, WARD NO. 1, PS- SHIKARPUR, DISTT- WEST
CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. In view of order dated 20.09.2023, learned Spl.P.P. for the State submits that he informed the respondent no.2 about his appearance in this case but nobody has entered appearance on his behalf.

3. This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 28.02.2023, passed by learned Additional District and Sessions Judge-1st-cum- Special Judge, SC/ST, Bettiah, West



Champaran, in connection with Shikarpur P.S. Case No.249 of 2022, registered u/s 341, 323, 307, 504, 325, 354/34 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

4. Allegedly, the FIR named accused persons including the appellant hurled abuses and assaulted the informant's side by means of various weapons.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific allegation the appellant to abuse the informant's side. Appellant has no criminal antecedent and similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 21.02.2023 passed in Cr. Appeal (SJ) No.2731 of 2022 and by a co-ordinate Bench vide order dated 12.07.2023 passed in Cr. Appeal (SJ) No.2594 of 2022.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st-cum- Special Judge, SC/ST, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No.249 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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