

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2196 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- MALSALAMI District- Patna

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1. Anand Kumar @ Anand Kumar Yadav S/O Dinesh Prasad @ Dinesh Prasad Yadav @ Binod Prasad Yadav Resident Of Village- Rikabganj Katra Bazar Samiti, Sri Krishna Gaushala, P.S. Malsalami District Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sanju Davi w/o Lalit Paswan Resident of Mohalla Didarganj Check Post, P.S. Malsalami District Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jay Ram Prasad
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-05-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 06.04.2023 passed by learned Special Judge, SC/ST Act, Patna in connection with Malsalami P.S. Case No. 183 of 2023 instituted for the offences punishable under Sections 341, 323, 354(A), 354(B), 379, 427, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(r) (s) of the SC/ST Act, whereby his prayer for being released on bail has been rejected.



It is alleged against the appellant and others that they entered into the house of the informant and started abusing her by calling her caste name. The accused persons also outraged the modesty of the informant and took away Rs. 5000/-.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant and the informant are next door neighbour and in the background of land dispute, the present accusation has been levelled. As per F.I.R, the occurrence took place in the house of the informant. Hence, the provision under SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since 10.03.2023. Moreover, good sense has prevailed between the parties and both sides have compromised the issue.

Learned counsel appearing on behalf of the informant and learned Special P.P for the State though have opposed the prayer for bail of the appellant but



submitted that both parties have compromised the issue.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 06.04.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Patna in connection with Malsalami P.S. Case No. 183 of 2023.

(Sunil Kumar Panwar, J)

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