

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2183 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- RAMNAGAR District- West Champaran

Banka Prasad @ Bankeshwar Prasad @ Mankeshwar Prasad Son Of Late
Mathura Prasad R/O- Vill- Mill Bahuari, P.S.- Ramnagar, Dist.- West
Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 19-01-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
06.06.2022 passed by learned 1st Additional Sessions
Judge-cum-Special Judge (SC/ST Act), West Champaran
at Bettiah in connection with Ramnagar P.S. Case No.
71 of 2022 instituted for the offences punishable under
Sections 341, 323, 324, 354, 379, 447, 504, 506/34 of
the Indian Penal Code and Sections 3(1)(r)(s) of the SC
& ST (Prevention of Atrocities) Act, whereby his prayer
for being released on bail has been rejected.



The accusations are of making assault and abusing by calling caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The specific accusation of making assault with farsa to the informant is against Shiv Manjhi. 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. The appellant is languishing in custody since 19.05.2022.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 06.06.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Ramnagar P.S. Case No. 71 of 2022.

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 1st Additional Sessions
Judge-cum-Special Judge (SC/ST Act), West Champaran
at Bettiah in connection with Ramnagar P.S. Case No.
71 of 2022.

(Sunil Kumar Panwar, J)

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