

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2684 of 2023

Arising Out of PS. Case No.-216 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

NIRAJ KUMAR Son of Vanshmuni Mahto Resident of village - Bindgama,
P.S.- Patory (Mohanpur O.P.), District - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjit Paswan Son of Late Kuldip Paswan Resident of - Ismilepur (Iman Sarai), P.O.- Laguniya, P.S.- Patory, District - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Zeyaul Hoda
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2023 1. Heard learned counsel for the appellant and learned Special P.P. for the State along with the learned counsel for the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 16.05.2023 in A.B.P. No. 1440 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Patory P.S. Case No. 216 of 2023 registered for the offences punishable under Sections 341, 342, 304, 274, 276, 504, 506, 34 of the Indian Penal Code as well as Sections 3(i)(s) and 3(1) (r) of the SC/ST Act.

3. Learned counsel for the informant, at the outset, submits that he has instructions to make submission not to oppose the



appeal of the appellant, it is next submitted that informant does not have any objection in the event if the appeal of the appellant is allowed as the informant later came realized that he was mislead in instituting the present FIR against the appellant when the real culprits were Mukesh and Sanjay

4. In view of the submissions made by the learned counsel for the appellant, the order dated 16.05.2023 in A.B.P. No. 1440 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Patory P.S. Case No. 216 of 2023 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Patory P.S. Case No. 216 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

5. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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