

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3443 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- CHEWARA District- Sheikhpura

1. Mathura Bind Son Of Shankar Bind Resident Of Village - Rahjopur (Rajopur), P.S.- Chewara, District - Sheikhpura
2. Dular Bind Son Of Dwarik Bind Resident Of Village - Rahjopur (Rajopur), P.S.- Chewara, District - Sheikhpura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 11-01-2023 Prayer for anticipatory bail with regard to appellant no. 1 has already been dismissed vide order dated 07.12.2022.

Heard learned counsel for the appellant no. 2 and learned Special Public Prosecutor for the State.

Learned counsel for the State submits that he has already informed the informant/ respondent no. 2 through concerned SP but nobody appears on his behalf.

Four weeks time is granted to the learned counsel for the appellant to remove the defects, if any, as pointed out by the office.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the



refusal of prayer for bail vide order dated 05.04.2021, passed by learned 1st Additional District and Sessions Judge, Sheikhpura in connection with SC/ST P.S. Case No. 19 of 2021 arising out of Chewara P.S. Case No. 25 of 2021, registered under Sections 341, 323, 504, 506/34 of the IPC and Sections 3(i) (r) (S), 3 (2) of SC/ST Act.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is specific overt act against the appellant to abuse the informant by taking caste name. He submits that the alleged occurrence has not been committed in public view because at the time of alleged occurrence except the informant no one was present at the place of occurrence. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Sheikhpura



in connection with SC/ST P.S. Case No. 19 of 2021 arising out
of Chewara P.S. Case No. 25 of 2021, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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