

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2671 of 2022**

Arising Out of PS. Case No.-65 Year-2016 Thana- CHANPATIA District- West Champaran

AMAR DAS SON OF DHARICHHAN DAS R/O VILLAGE- SISWANIYA,
WARD NO.-02, P.S.- CHANPATIA, DISTRICT- WEST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MANOJ KUMAR SON OF MOFIL DAS R/O VILLAGE- SISWANIYA,
P.S.- CHANPATIA, DISTRICT- WEST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai
For the Respondent/s : Ms.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 07-02-2023 Learned counsel for the appellant is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellant as well as learned counsel for the informant.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 02.06.2022 passed by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST, Patna in A.B.P. No. 1439 of 2022 arising out of Chanpatia P.S. Case No. 65 of 2016, registered for the offences punishable under Sections 342,



323, 324, 120(B), 307, 302 of the Indian Penal Code & Section 3(1)(X) 3(2) (v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

At the very outset, the learned counsel for the appellant, by annexing the caste certificate of the appellant has submitted that he belongs to Scheduled Caste. As such, provisions of SC/ST Act does not attract against him. Moreover, the final form has been submitted, since nothing emerged against the appellant during course of investigation. The evidence against two persons namely Bullet and Nathuni was emerged and they have been charge-sheeted.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 02.06.2022 passed by the learned Additional District & Sessions Judge-1st-cum-Special Judge (SC/ST), Bettiah, District- West Champaran is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District &



Sessions Judge-1st-cum-Special Judge (SC/ST), Bettiah,
District- West Champaran in connection with Chanpatia P.S.
Case No. 65 of 2016.

Office shall ensure that all defects are removed by the
appellant within the stipulated time provided hereinabove,
failing which the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

kundan/-Nirmal

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