

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.671 of 2021**

Arising Out of PS. Case No.-55 Year-2020 Thana- BALTHAR District- West Champaran

1. ANWARUL GADDI @ BAGAR GADDI S/o Late Rahman Gaddi R/o village- Line Parsa, P.S.- Balthar, District- West Champaran
2. Shairai Alam Gaddi @ Shere Alam Gaddi S/o Anwarul Gaddi @ Bagar Gaddi R/o village- Line Parsa, P.S.- Balthar, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Yadav Lal Ram S/o Late Sheochan Ram R/o village- Line Parsa, P.S.- Balthar, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 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 15.10.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, District- West Champaran in A.B.P. No. 1720 of 2020 arising



out of Balthar P.S. Case No. 55 of 2020. registered for the offences punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code & Section 3(i)(r)(s) 3(2) (V-a) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the accused persons assaulted the informant and they also abused him by calling his caste name. The accused persons assaulted Salbun Khatoon with *Garasi*.

The learned counsel for the appellants has submitted that there is case and counter case. As such, the occurrence cannot be said to have originated due to malicious feeling of caste. He has submitted further that both sides have sustained injuries and the injuries suffered by prosecution side are simple in nature. He has also submitted that co-accused Azad Gaddi, Bhikhari Gaddi, Saida Khatoon and Salbun Khatoon have been granted anticipatory bail in Cr. Appeal No. 907 of 2022.

On the other hand, the learned special PP and learned counsel for the informant have opposed the prayer for bail and submitted that there is specific allegation against the petitioner that he abused the informant in filthy words. Moreover, cognizance has been taken in this case.

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 15.10.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, District- West Champaran is set aside.

Considering the above-mentioned facts and circumstances as well as parity between the parties, let the appellants above-named, in the event of arrest or surrender within four weeks from today, will 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 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, District- West Champaran in connection with Balthar P.S. Case No. 55 of 2020.

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)

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