

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3117 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- SC/ST District- Munger

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DABLU SHARMA Son of Late Chandi Lal Sharma Resident of Chhoti
Mirzapur, P.S- Kasim Bazar, Dist- Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Aman Kumar Son of Rajendra Prasad Tanti Resident of Badi Mirjapur P.S-
Kasim Bazar, Dist- Munger

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Baban Kumar , Advocate
For the Respondent/s : Mr. Usha Kumari 1, SPP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-07-2023 1.Despite of notice issued, nobody appeared on
behalf of reposondent No 2.

2.Heard learned counsel for the appellants, the State
and respondent no.2.

3.The present appeal is directed against the order
dated 24.08.2022, passed in a case registered for the offence
punishable under Sections 341, 323, 308, 504, 506, 384 of the
Indian Penal Code read with Sections 3 (i) (r) (s) and 3/2 (va)
and 27 of Arms Act. of the SC/ST Act, whereby anticipatory bail



of the appellants has been rejected.

3. Appellant is alleged to have abused by caste name and instigated co-accused Roshan Sharma to fire upon the informant.

4. It is submitted that there is no allegation of any overt act is alleged against this appellant. It is further submitted that incident did not take place within public view, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned counsel for the state opposed the prayer for bail.

6. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 24.08.2022 is set aside.

7. Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they 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 court of Additional Sessions Judge-1, Munger in connection with Munger SC/ST P.S. Case no. 08 of 2022



subject to the condition as laid down
under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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