

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3601 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- SC/ST District- Supaul

=====

KALYAN KUMAR Son of Late Mahendra Choudhary Resident of Village-
Basaha, P.S.- Pipra, District- Supaul

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Anand Kumar Not known District Minority Welfare Officer, Supaul, Police
Station- Supaul, District- Supaul, Permanent Address, Resident of Village-
Kadilpur, P.O- Mahadeopur, P.S.- Pranpur, District- Katihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Viveka Nandsingh
For the Respondent/s : Mr.Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2023 Heard learned counsel for the appellant and learned
Special P.P. for the State.

Despite information given by learned Special P.P. for
the State regarding hearing of the case, none appears on behalf
of the informant today.

This appeal is filed 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 of anticipatory bail vide order dated
22.08.2022, passed by learned 4th I/C Additional District and
Sessions Judge 1st, Supaul in connection with Supaul SC/ST P.S.
Case No.32 of 2022, registered under Sections 504 and 506 of



the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(Va) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of memo of appeal. It is further submitted the appellant has not abused the informant by naming his caste. It is submitted that the informant is said to have received a call from unknown number and after talk, he learnt that the caller was Kalyan Kumar, the appellant who was ex-vehicle owner. During the course of talk, the appellant told the informant that he would see him within three days. It is further submitted that the appellant was demanding payment of his due amount, i.e., Rs.80,559/- from the informant and prior to filing of the present case on 13.05.2022, the appellant gave a typed copy of the application to the District Magistrate, Supaul (Annexure-2 of the memo of appeal).

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Having considered the facts aforesaid, let 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 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 learned 4th I/C Additional District and Sessions Judge 1st, Supaul in connection with Supaul S.C./S.T. P.S. Case No.32 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

S.KUMAR/-

U		T	
---	--	---	--

