

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3735 of 2022

Arising Out of PS. Case No.-376 Year-2022 Thana- NATHNAGAR District- Bhagalpur

Shubhankar Ray Son Of Puskar Ray R/V- Rannu Chak, P.S.- Nathnagar,
District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Prakash Paswan Son Of Late Tarni Paswan R/V- Damodarpur, P.S.-
Akbar Nagar, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-01-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 20.09.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Nathnagar P.S. Case No. 376 of 2022 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code, Sections 3(1)(r)(s)(w) of the SC & ST (Prevention of Atrocities) Act and Section 27 of the Arms Act, whereby his prayer for being released on



anticipatory bail has been rejected.

The accusations are of making assault and abusing by calling caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. There is general and omnibus allegation against the appellant. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. Moreover, good sense has prevailed between the parties and both the parties have compromised the matter. The appellant is languishing in custody since 28.06.2022.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 20.09.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Nathnagar P.S. Case No. 376 of 2022.

Accordingly, this appeal is allowed.



The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Nathnagar P.S. Case No. 376 of 2022/Special SC/ST Case No. 91 of 2022.

(Sunil Kumar Panwar, J)

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