

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4787 of 2023

Arising Out of PS. Case No.-392 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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BANDHU KUMAR Son of Ram Sagar Mahto R/o vill - Bishanpur, ward no.
7, P.S. - Samastipur Mufassil, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar.
2. Satyajeet Kumar Son of Manoj Kumar R/o vill - Bishanpur, P.S. -
Samastipur Mufassil, Distt. - Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dilip Kumar Roy, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 01-12-2023 Heard learned counsel for the appellant and

learned A.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the

Scheduled Castes and Scheduled Tribes against the refusal

of prayer for anticipatory bail vide order dated 21.09.2023

passed by the learned Special Judge SC/ST (POA) Act,

Samastipur in connection with A.B.P. No. 2938 of 2023

(arising out of Samastipur (Mufassil) P.S. Case No. 392 of

2021) dated 23.09.2021 registered for the alleged offences

under Sections 147, 148, 149, 341, 323, 324, 307, 385, 379,

504 and 506 of the Indian Penal Code and 27 Arms Act and



Sections 3(i)(r)(s), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (POA) Act.

3. As per prosecution case, the appellant along with co-accused persons and 10-15 unknown persons armed with weapons came and demanded Rs. 10,000/- as extortion money. It is further alleged that the accused Sanjay Yadav abused Deepu by calling his caste name and ordered to kill him and thereafter, the appellant and the co-accused assaulted Deepu and Mithilesh. When the informant went to save them, the co-accused Ajit Yadav fired on the informant causing shoulder injury and the co-accused also fired on him. The appellant and the co-accused also assaulted Mithilesh Kumar with iron rod causing injury on his head. It is further alleged that the other accused persons abused Mithilesh Kumar and snatched a golden chain and Rs. 4,000/- from the informant and they ran away after firing and threatening the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is further submitted that no incriminating articles were recovered from the conscious and physical



possession of the appellant as alleged in the F.I.R. Learned counsel has further submitted that present prosecution is the counter blast of the Samastipur (Mufassil) P.S. Case No. 393 of 2021 u/ss 447, 448, 427, 380, 504, 506 read with 34 of the Indian Penal Code. Learned counsel has further submitted that there is no allegation of hurling abuse by calling caste name at the informant. It is further submitted that the no member of public was present at the relevant point of time of the alleged incident, hence, no case u/s 3(i)(r)(s), 3(2)(v)(a) is made against the appellant. It is further submitted that the matter has been compromised between the parties and a compromise petition duly signed by both the parties after verification by their respective counsels has also been filed. The appellant has no criminal antecedent.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellant, the impugned order dated 21.09.2023 passed by the learned Special Judge SC/ST (POA) Act,



Samastipur in connection with A.B.P. No. 2938 of 2023 (arising out of Samastipur (Mufassil) P.S. Case No. 392 of 2021), is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Samastipur in connection with A.B.P. No. 2938 of 2023 (arising out of Samastipur (Mufassil) P.S. Case No. 392 of 2021), subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Nilmani/-

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