

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4301 of 2022**

Arising Out of PS. Case No.-27 Year-2020 Thana- SC/ST BETTIAH District- West
Champaran

-
1. Ashish Kumar Rajgadiya @ Ashish Kumar Rajgarhiya Son Of Late Ashok Kumar Rajgarhia @ Ashok Kumar Rajgardhiya Resident Of Lakshmi Narayan Tyre House, Lal Bazar, Bettiah, P.S.- Bettiah Town, District- West Champaran
 2. Dinesh Verma @ Dinesh Kumar Shrivstwa @ Dinesh Kumar Shrivastav Son Of Late Paras Nath Verma @ Parash Prasad Shrivastwa R/O Ward No.5, Village- Pipra, P.S.- Chanpatiya, Presently Residing At Ward No.1, Navin Colony, Banuchhapar, P.S.- Mufassil, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Bahadur Ram Son Of Late Budhan Ram R/O Ward No.14, Village- Gaunaha, P.S.- Sathi, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Kumari Shubham, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Akash Chaudhary, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 24-06-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State.

This is an appeal 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 for **anticipatory bail** vide order dated 19.10.2022 in A.B.P. No. 2962 of 2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Champaran in



connection with Bettiah SC/ST P.S. Case No. 27 of 2020 registered for the offences punishable under Sections 341, 323, 379, 307, 504 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(e) and (ii)(va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellant no.1 has antecedent of one case and appellant no.2 is a person with clean antecedent.

Learned counsel for the appellants, at the outset, very fairly submits that the informant had not instituted the present FIR, it is next submitted that Mustakim Miya, Shekh Gajab, Gauri Sah, Udhaio Singh and Kedar Yadav had fraudulently obtained his thumb impression on a blank paper in the name of releasing money for construction of his house under the Indira Awas Scheme from the block but the same blank paper was misused by them against the appellants and got the case instituted.

Learned counsel for the informant does not dispute the said submission of the learned counsel for the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 19.10.2022 in A.B.P. No. 2962 of 2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act,



Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No. 27 of 2020 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bettiah SC/ST P.S. Case No. 27 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Rishi/-

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

