

Arising Out of PS. Case No.-287 Year-2021 Thana- KALYANPUR District- East Champaran

... .. Appellant/s
Versus

- Respondent/s

For the Appellant/s : Mr. Madhurendra Kumar
For the Respondent/s : Mr. Sadanand Paswan

2 11-11-2024 1. Heard learned Counsel for the appellant and learned Additional Public Prosecutor for the State.

2. An order, dated 05.01.2022, passed by learned Additional Session Judge III -cum- Special Judge SC/ST, East Champaran Motihari, in ABP No. 1054 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Kalyanpur Police Station Case No. 287 of _____ 2021 _____ Sections 147/148/149/341/323/325/353/354/504/506/509/307/427/379/188/440/332/171 F of the Indian Penal Code, Section



27 of the Arms Act, Section 3 of the Dowry Prohibition Act, Sections 131/134(b)/135/135(a) of the Representation of the People Act and Section 3 (1)(r)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 03.11.2021, during process of voting for election of Mukhiya, Mukhiya candidate Priyanka Sinha started disturbing in the pooling process. Subsequently, in the afternoon, the husband of Priyanka Sinha arrived at the polling booth with 200-250 armed persons, including the appellants and other named accused persons, and attacked the polling booth. Upon objection by the police, the accused persons started assaulting them brutally. When the police again tried to stop them, the accused persons resorted to firing and also started abusing and beating the cook present at the polling booth by her caste name.
4. Learned Counsel for the appellant submits that the appellant has falsely been implicated in the present case due to political reasons. He next submits that the allegation against the appellant, along with others, are



general and omnibus in nature and the main accused persons in this case, namely, Jai Prakash Asthana and Priyanka Sinha, have been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 305 of 2022 and Cr. Appeal (SJ) No. 218 of 2022, respectively. He further submits that the provision for SC/ST Act is not attracted against the appellant inasmuch as the appellant is also a member of SC. The appellant is having no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the appellant privilege of anticipatory bail.
6. This appeal is, accordingly, allowed and the order, dated 14.03.2024, passed by learned Special Judge, SC/ST Act, East Champaran, Motihari, in ABP No. 1054 of 2024, is set aside.
7. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on 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 Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Kalyanpur Police Station Case No. 287 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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