

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4457 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- KALYANPUR District- East Champaran

LAUKESH KUMAR @ LAV KESH KUMAR Son of Harishankar Prasad
R/o vill - Gariba tola Balua, P.S. - Kalyanpur, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Kumari Wife of Sunil Kumar Paswan R/o vill - Daini Math, P.S. - Kalyanpur, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar , Advocate
		Mr. Hemant Ray, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, sPl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 28.08.2023, passed in a case registered for the offence punishable under sections 341 , 323 , 354(a)(b) and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per F.I.R, on the alleged date and time of occurrence , while the informant was in her school as usual,



meanwhile this appellant along with other co-accused persons abused her by caste name and pushed her and ran away when there colleagues reached there .

4. It is submitted that this appellant has falsely been implicated in this case and has not committed any offense as alleged. As a matter of fact, the sister of the appellant is a student of the said school, in which the informant is a teacher, and the informant used to beat the appellant's sister, for which the appellant raised an objection, and in retaliation, this false and concocted case has been lodged by the informant. It is not the case of the prosecution that the informant was abused by the petitioner within the public view , as such, no case under the SC/ST Act is made out. Appellants claim clean antecedent.

5. Counsel for the Spl. P P oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Special Judge, SC/St(POA) Act , East Champaran , Motihari in connection



with Kalyanpur Police Station Case No. 242 of 2023 .

(Prabhat Kumar Singh, J)

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