

Arising Out of PS. Case No.-12 Year-2023 Thana- KALYANPUR District- East Champaran

- Appellant/s

1. THE STATE OF BIHAR
2. VIRENDRA RAM SON OF LATE BAIDHNATH RAI RESIDENT OF
VILLAGE - DAINI MATH, P.S. - KALYANPUR, DISTRICT - EAST
CHAMPARAN

... .. Respondent/s

For the Appellant/s	:	Mr. Abhishek Kumar , Advocate Rashmi Jha, Advocate Hemant Ray, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, APP

3 09-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 12.07.2023 , passed in a case registered for the offence punishable under sections 341 , 323 , 379, 504, 506 and 34 of the Indian Penal Code and sections 3 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the



prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case , these appellants are alleged to have abused the informant by caste name and assaulted him by feet, fists, slippers and shoes. It is further alleged that accused persons also snatched Rs. 2000/- from the pocket of the informant.

4. It is submitted on behalf of the appellants that they are innocent and have falsely been implicated in this case due to the ulterior motive of the informant. It is submitted that prior to the present case , in Kalyanpur PS Case No. 9 of 2023 has been lodged by appellant side and in retaliation this false and concocted case has been lodged. There is two days delay in lodging the F.I.R., for which there is no plausible explanation which itself creates doubt over the entire prosecution case . Rest of the allegation is super addition to make the case grave . It is further submitted that all the disputes between the parties have been settled by way of compromise i.e, annexure 3 to this petition . It is not the case of the prosecution that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out.

5. Counsel for the OP 2 and Spl. P P opposes the prayer for bail.



6. Considering the aforesaid facts, this appeal is allowed with respect to these appellants only and the impugned order is set aside. Let the appellants, 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. 12 of 2023 .

(Prabhat Kumar Singh, J)

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