

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3046 of 2017

Arising Out of PS.Case No. -60 Year- 2017 Thana -ASARGANJ District- MUNGER

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1. Nikku Sah @ Nikku Kumar S/o Sri Deepak Sah @ Sri Subodh Sah, R/o
Village- Masum Ganj, P.S.- Asarganj, District- Munger.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Harsh Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-11-2017 Heard the learned counsels for the appellant and the

Spl. P.P.

The appellant has challenged the order dated 19.08.2017 passed by the learned 1st Additional Sessions Judge, Munger in connection with Asarganj P.S. Case No. 60/2017 instituted for the offences under Sections 341, 323, 504, 379 and 506 of the Indian Penal Code and Sections 3 (i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 2016, whereby the prayer for his being released on bail, in anticipation of his arrest, has been rejected.

The appellant is said to have assaulted the informant and abused him by taking his caste name.

Learned counsel for the appellant has submitted that



an absolutely false case has been instituted and the provisions of the SC/ST (Prevention of Atrocities) Act have been added in order to add seriousness to the case. The dispute was with respect to Rs. 600/- which was supposed to be returned by the informant to the appellant. The informant was not returning the amount on the pretext of not having received the same. This dispute led to a verbal altercation in which the informant is alleged to have been abused by his caste name. It cannot be said that the intention of the appellant was to malign the informant by taking his caste name.

For the reasons aforesaid, the order impugned dated 19.08.2017 is set aside.

The appellant is directed to be released on bail in the event of his surrender within a period of four weeks from the date of receipt/production of a copy of this order, subject to his furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Ist, Munger in connection with Asarganj P.S. Case No. 60/2017.

(Ashutosh Kumar, J.)

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