

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3244 of 2019

Arising Out of PS. Case No.-55 Year-2016 Thana- SC/ST District- Saran

SURENDRA KUMAR SINGH @ SURENDRA SINGH Son of Late Ram
Naresh Singh Resident of Village - Tajpur, P.S. - Manjhi, District- Saran
... .. Appellant

Versus

THE STATE OF BIHAR
... .. Respondent

Appearance :

For the Appellant/s : Mr.Awadhesh Kumar Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.
For the Informant : Mr. Chandra Mohan Jha, Advcoate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 03-12-2019 Heard learned counsel for the appellant, learned Spl.
P.P. for the State and learned counsel for the informant.

The appellant in the present case is seeking setting-aside of the order dated 29.03.2019 passed by learned Ist Additional Sessions Judge, Saran at Chapra in A.B.P. No. 107 of 2019 arising out of Chapra SC/ST P.S. Case No. 55 of 2016 registered for the offences punishable under Sections 341, 323, 504, 506 of the Indian Penal Code and Sections 3(i) (x) (xii) of the SC/ST (Prevention of Atrocities) Act.

By the impugned order prayer of anticipatory bail of the appellant has been rejected.

Earlier this Court had called upon learned Spl. P.P. to find out as to whether or not a chargesheet has been filed in this case, today the Court has been informed that no chargesheet has



been filed in this matter.

Learned counsel for the appellant submits that this appellant happened to be the Mukhiya of the Gram Panchayat. The informant was working as Vikash Mitra. It is the submission of the appellant that when the appellant received some complaint that the informant was asking the people of the Panchayat who were eligible to get pension under the Food Security Scheme to pay some money along with their application, the appellant called the informant to enquire into the matter but the informant has instead of co-operating with the appellant lodged the present FIR making totally false and frivolous allegation that the appellant that called her inside his house and abused her taking her caste name and also gave a slap to the husband of the informant.

Learned counsel for the appellant submits that it is a case of false implication and till date the Police has not found any material to connect the appellant with the present case.

On the other hand, learned Spl. P.P. and the learned counsel representing the informant have opposed the prayer of anticipatory bail of the appellant alleging that the appellant being an influential person has abused the informant and gave a slap to her husband. It is also their submission that the appellant



has a case of similar nature against him.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the appellant that the subsequent case which is described in paragraph '3' of the application has been lodged by none else than the husband of the informant and the appellant is on bail in the said case, the nature of the allegation clearly indicates towards some rivalry between the two panchayat functionaries, the appellant being the Mukhiya and the informant is working as Vikash Mitra and the allegations are such that it seems to be case of conflict of interest of the parties and at this stage even after more than three years the Police has not been able to file a chargesheet against the appellant, the impugned order dated 29.03.2019 passed by learned Ist Additional Sessions Judge, Saran at Chapra in A.B.P. No. 107 of 2019 arising out of Chapra SC/ST P.S. Case No. 55 of 2016 is hereby set-aside.

Let the appellant above named in case of his arrest or surrender within a period of four weeks from today in connection with Chapra SC/ST P.S. Case No. 55 of 2016 be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge,



Saran at Chapra, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any
person acquainted with the facts of the case so as to dissuade
him from disclosing such facts to the Court or to any police
officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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