

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.99 of 2020**

Arising Out of PS. Case No.-32 Year-2019 Thana- PIRI BAZAR District- Lakhisarai

MANISH KUMAR Son of Subodh Mahto Resident of Village - Maheshpur,  
P.S. - Piri Bazar, District - Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Dharmendra Kumar Raju  
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      16-12-2020                      Due to COVID-19 Pandemic, the matter is being  
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For  
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the appellant is directed to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks after restoration of normalcy.

Heard the parties.

The matter relates to grant of anticipatory bail to the  
appellant in connection with Piri Bazar P.S. Case No. 32 of 2019  
corresponding to SC/ST No. 25 of 2019 registered for the  
offences under Sections 341, 323, 325, 504, 506 and 34 of the  
Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act.

Allegedly, while the informant was watching crops in



his Khalihan, the appellant and others who perhaps came there for theft of crop, were seen in torch light. It is alleged that the appellant and others started assaulting him by fist and slaps calling his caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. No deadly weapon is said to have been used in course of occurrence. The alleged occurrence has not taken place within public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 21-12-2019 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Lakhisarai in Piri Bazar P.S. Case No. 32 of 2019 corresponding to SC/ST No. 25 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, Lakhisarai in connection with Piri Bazar P.S. Case No. 32 of 2019 corresponding to SC/ST No. 25 of 2019.

**(Sudhir Singh, J)**

A.K.V.//-

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