

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.158 of 2020**

Arising Out of PS. Case No.-338 Year-2017 Thana- BELAGANJ District- Gaya

=====

ASHOK KUMAR @ ASHOK KAHAR Son of Triloki Ram Resident of
Village- Lakshan Bigha, P.S.- Belaganj, District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

Appearance :

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

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-12-2020 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.

Heard learned counsel for the appellant and learned APP
for the State.

The matter relates to grant of anticipatory bail to the
appellant in connection with a case registered for the offences under
Sections 341, 323, 325/34 of the Indian Penal Code and Sections 3(i)
(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that on 15.10.2017 the
informant was cutting grass in her field, the appellant came and
abused by caste name and caught her hand and assaulted by danda,
due to which she received injury.

It has been submitted on behalf of the appellant that there



is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. Superficial injury is said to have been caused. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 19.12.2019, passed by the learned Special Judge, SC/ST Act, Gaya in connection with Belaganj P.S. case No.338 of 2017, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest/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 Special Judge, SC/ST Act, Gaya in connection with Belaganj P.S. case No.338 of 2017.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

