

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.369 of 2020

Arising Out of PS. Case No.-32 Year-2019 Thana- SC/ST District- Patna

GAURI SHANKAR SINGH @ JHAPPU SINGH, (Male), aged about 49 years, S/O Late Janardan Singh, Resident of Village - Chatrpura, P.S. - Mokama, District - Patna.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Nilesh Kumar, Advocate.
For the Respondent : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-11-2020 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 parties.

The matter relates to grant of anticipatory bail to the appellant in connection with SC/ST P.S. Case No. 32/2019, registered for the offences under Sections 341, 323, 307, 384 of the I.P.C. and Sections 3(i), (S), 3(2) (Va) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in short, is that the complainant-informant is a P.D.S. Shop dealer and belongs to the Schedule Caste and every month, he used to take ration from



Chatarpur, Mokama Depot. It is further alleged that near the Depot, there is a house of the appellant and on 29.09.2018 when the complainant-informant went to the Depot for lifting the P.D.S. ration then the appellant started abusing him by taking his caste name and also demanded ransom of Rs. 5,000/- and also started assaulting him with fists and slaps. He wrote various letters to various Forum for taking action against the appellant but no action has been taken against him.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellant. The present case has been instituted under Section 156(3) of Cr. P.C. The allegation is of assault by fists and slaps to the informant. Superficial injury is said to have been caused. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out 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 08.01.2020, passed by learned A.D.J.-VIII-cum-Special Judge, SC/ST Act, Patna, in A.B.P. No. 110 of 2020



arising out of Patna SC/ST P.S. Case No. 32/2019, is set aside.

The criminal appeal is allowed.

Accordingly, 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 A.D.J.-VIII-cum-Special Judge SC/ST Act, Patna in connection with Patna SC/ST P.S. Case No. 32/2019.

(Sudhir Singh, J)

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