

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.575 of 2020

Arising Out of PS. Case No.-190 Year-2018 Thana- BARHARA District- Bhojpur

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Amitabh Ranjan Singh Son of Mahesh Singh Resident of Village - Deorath,
P.S.- Barahara, District - Bhojpur (Ara)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bachan Jee Ojha

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-11-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual court

proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 20.01.2020 passed by learned Additional
District Judge-1st, Bhojpur (Ara) in connection with Barahara
P.S. Case No. 190 of 2018 registered under Sections 147, 148,
149, 341, 323, 326, 325, 504, 506 of the Indian Penal Code and
Sections 3(1) (r) (s) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

The prosecution case as lodged by the informant is



that his son namely Chhote Kumar and driver threshed the wheat crops of one Mahesh Singh (father of the appellant) on 09.05.2018 by using thresher machine and when wages was demanded, the accused persons abused them. When informant went to the house of Mahesh Singh at 10PM and asked about the matter then the appellant and others assaulted the informant by Khanti and one Golu assaulted one Shatrughan Ram and also abused by caste name.

It is submitted by learned counsel for the appellant that the appellant is innocent, has committed no offence and has been falsely implicated in this case. It is further submitted that all the offences under I.P.C. are bailable except Section 326 of the IPC and SC/ST Act and no case under Section 326 IPC and SC/ST Act is made out. He submits that appellant is an Army man posted at Indore and he was not present at home on the date of occurrence as apparent from the petition filed by the wife of the appellant to the higher authorities. It is submitted that this is case of simple altercation and none has received any serious injury. He further submits that appellant has no criminal history.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the



above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-1st, Bhojpur (Ara) in connection with Barahara P.S. Case No. 190 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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