

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1140 of 2020**

Arising Out of PS. Case No.-152 Year-2019 Thana- BHAGWANPUR District- Begusarai

Bittu Singh, S/o Chano Singh @ Chandeshwar Singh @ Chandrashekhar Singh @ Chandeshwara Prasad Singh, R/o Village- Manopur, P.S.- Bhaganwapur, District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Sumiran Rai, Advocate
For the Respondent/s : Smt.Usha Kumari-1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 01-06-2020 Heard Mr. Ram Sumiran Rai, learned counsel for the
appellant and the learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) New Amendment Act, 2016 against the refusal of his prayer for regular bail, vide order dated 11.02.2020 passed by learned Special Judge SC/ST (POA) Act, Begusarai, in connection with Bhagwanpur P.S. Case No.152 of 2019 instituted for the offence under Sections 147/341/323/380/387/504/506, 354 (B) of the I.P.C., Sections 25(1-b)a, 26/27 of the Arms Act and Section 3 (i)(r) (s) of the SC/ST Act and also for setting aside the aforesaid order dated 11.02.2020.



The F.I.R. alleges that the accused persons, including the appellant, have intruded into the informant's house at 11:30 in the night. The main allegation is that they have started abusing him and misbehaving with the family members, including the female members, and snatched jewellery on the point of pistol. There is also an allegation of abusing by caste name and threatening to kill the informant's brother and father in respect of a demand of Rs.50,000/-. Co-accused Amit Kumar is said to have been apprehended with pistol and live cartridges.

Learned counsel for the appellant submits that the instant case has been lodged on extraneous considerations. In fact, the appellant's father had earlier lodged one Bhagwanpur P.S. Case No.114 of 2019 against the informant's party of the instant case. The allegation in the said case is to the effect that the instant informant was refusing to return some money. When the appellant's father raised demand for the same, the informant's party went to the shop of the appellant's father and indulged in snatching of money, abusing and threatening the appellant's father.

The appellant's counsel submits that his *bona fide* is evident from the fact that on his own volition, the appellant



has surrendered on 11.02.2020 and since then he is in custody. The allegations are denied and disputed altogether. Further, it is submitted that a compromise petition has also been filed in the court below.

Learned counsel for the appellant further submits that the provisions of S.C. & S.T. Act have been introduced only to make the charge graver and draw the appellant into the web of prosecution and put him behind bars.

Learned Special P.P. has opposed the prayer for bail. She submits that the nature of allegations levelled in the F.I.R. do not leave any scope for doubt in the case of the informant. Under such circumstances, it is submitted that the appellant may not be granted the privilege of bail.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Begusarai, in connection with Bhagwanpur P.S. Case No.152 of 2019 arising out of G.R. No.704/19.

In the result, the appeal is allowed and the impugned



order dated 11.02.2020 is set aside.

(Madhuresh Prasad, J)

PNM

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

