

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1353 of 2020

Arising Out of PS. Case No.-46 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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RAM PRAVESH SINGH Son of Late Nathuni singh Resident of Village -
Machani, P.S.- Salaiya, P.O.- Narkaji, Distt.- Aurangabad.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ramlagan Bhuiya Son of Shri Judagir Bhuiya Resident of Village -
Kanchanpur, P.S.- Madanpur, Distt.- Aurangabad.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Akhilesh Dutta Verma, Adv. Mr. Awadhesh Kumar, Adv.
For the Respondent/s	:	Spl. P.P.
For the O.P. No. 2	:	Mr. Amit Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-11-2020 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the opposite party no. 2, through video conferencing.

The instant appeal has been filed by the appellant
against the order dated 5.3.2020 passed by the 1st Additional
District and Sessions Judge-cum-Spl. Judge SC and ST,
Aurangabad, whereby, the prayer for bail of the appellant in
connection with Complaint Case No. 46 of 2018 under section
323 of the Indian Penal Code and section 3(1)(r) of the SC and
ST (Prevention of Atrocities) Act, 1989 was rejected.

As per the case of the prosecution case as narrated in



the complaint filed by the O.P. No. 2, the complainant had worked in the agricultural field of the appellant on the condition that he would get a share in the produce. It is stated that on the complainant going to the appellant and asking for his share, he was abused and assaulted. As such the complaint.

It is submitted by learned counsel for the appellant that the allegations as levelled in the complaint are false and concocted. From the complaint itself it would transpire that the dispute was trivial in nature over distribution of produce and it is for oblique reasons that for an occurrence alleged to have taken place on 1.5.2018, a complaint has been filed 36 days after the alleged occurrence on 6.6.2018 without any reasonable explanation. The appellant has no criminal antecedent and he is in custody since 29.2.2020. No injury report has been brought on record along with the complaint.

The appeal is opposed by learned Special Public Prosecutor for the State as also learned counsel for the O.P. No. 2 who submits that after having made the complainant work in his fields, on the complainant asking for his share, as agreed upon, the complainant was not only assaulted but was abused in the name of his caste. As such, it is prayed that the appeal be rejected.



Having heard learned counsel for the parties and taking into consideration the contents of the allegations in the complaint, the delay in filing of the same without any injury report, the appellant being in custody since 29.2.2020 and having no criminal antecedent, the Court is inclined to allow this appeal. The appeal is allowed and the order dated 5.3.2020 passed in the Complaint Case No. 46 of 2018 by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, Aurangabad is set aside.

The appellant is directed to be enlarged on bail in connection with Complaint Case No. 46 of 2018 on furnishing bail bond of Rs.10,000/ (Rupees ten thousand) only with two sureties of the like amount each to the satisfaction of the learned 1st District and Sessions Judge-cum-Special Judge, SC and ST Act, Aurangabad.

(Partha Sarthy, J)

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