

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1443 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- BELDOUR District- Khagaria

Ashish Singh, S/o Jaykant Singh, Resident of Village- Murasi, P.S.- Beldaur,
Distt- Khagaria.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the appellant and the learned Special PP for the State.

The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989 against the refusal of his prayer for anticipatory



bail, vide order dated 03.02.2020, passed by learned Additional Sessions Judge-Ist, Khagaria, in Spl.A.B.P. (SC/ST) No.07/2020 arising out of Beldaur P.S. Case No.265 of 2019 instituted for the offence under Sections 341, 323, 379, 504 of the I.P.C. read with Sections 3(i)(r)(s) of the SC/ST Act and also for setting aside the aforesaid order dated 03.02.2020.

The allegation is that the informant objected to vulgar song being played by the D.J. in front of his house, upon which he has been assaulted and abused by caste name.

Appellant's counsel submits that the allegations are palpably false as there is no injury in support of the alleged assault upon the informant. It is further submitted that false implication is writ large as in relation to same occurrence, one other case has been lodged, bearing Complaint Case No.3C/2020, which was later converted into Beldaur P.S. Case No.61/2020, in which the entire family members of the appellant have been implicated. His false implication therefore cannot be ruled out and the offences under the SC/ST Act in the circumstances cannot be said to be made out against the appellant.



Learned Special P.P. for the State referring to Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has objected on the ground of maintainability of prayer for pre-arrest bail.

Considering the rival submissions and having regard to the judgment of the Apex Court in the case of *Vilas Pandurang Pawar vs. State of Maharashtra*, reported in *(2012)8 SCC 795: 2012(4) PLJR (SC) 243*, this Court, in the facts and circumstances of the case and upon going through the F.I.R. and the complaint case, is inclined to accept the submissions on behalf of the appellant for the limited purpose of grant of anticipatory bail and allow the appellant's prayer for anticipatory bail.

Accordingly, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 Additional Sessions Judge-1st, Khagaria, in connection with Beldaur P.S. Case No.265 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure.



In the result, the appeal is allowed and the order dated 03.02.2020 is set aside.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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