

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4283 of 2019

Arising Out of PS. Case No.-333 Year-2019 Thana- NAUBATPUR District- Patna

OMKARNATH Son of Late Bhukhan Singh Resident of Village- Nagwan,
Police Station- Naubatpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh, Adv
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

7 25-02-2020 Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 29.07.2019 in A.B.P. No.4393 of 2019 passed by the learned Additional Sessions Judge XIII-cum-Special Judge, SC/ST Act, Patna in connection with Naubatpur P.S.Case No. 333 of 2019(Special Case No.221 of 2019) registered under Sections 341,323,504,325 and 506 of the Indian Penal Code as well as under Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

The appellant is a Class-III employee in a Govt. School. Appellant had lodged Naubatpur P.S. Case No.332 of 2019 against the informant of this case alleging therein that the



informant and her mother were selling liquor in the orchard of the appellant. Appellant asked to remove everything from the orchard, for apparent reason that Bihar Prohibition and Excise Act creates responsibility against the owner of the property also where liquor was being used or kept and for that reason the appellant was assaulted by the informant and some other person.

The present FIR reveals that the informant was sitting in the orchard of Pradeep Singh near his house. At the same time, the appellant went thereat, abused and assaulted to the informant. No reason for the occurrence committed by the appellant is mentioned therein. The case diary reveals that there is no such injury report as alleged in the FIR. Appellant has got no criminal antecedent.

Considering entire facts especially background of allegation, non-grant of protection to the appellant would lead to miscarriage of justice, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellant shall fully cooperate with the investigation/trial of the case and also the appellant shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

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