

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1776 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- SC/ST District- Samastipur

ANIL KUMAR ANUPAM Son of Late Ram Bharat Mahto Resident of Village - Ward N. 12, Loknathpur Ganj, P.S. Dalsinghsarai, District - Samastipur. Presently, Resident of village - Rampur Jalalpur, P.S. Dalsinghsarai, District - Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Narain Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-07-2021 Heard Mr. Jitendra Narain Sinha, learned counsel for the appellants and Mr. Binay Krishna, learned APP for the State.

The appellant has challenged the order dated 26.11.2020 passed by the learned 1st Additional Sessions Judge, Samastipur, in A.B.P. No. 2105 of 2020 arising out of SC/ST P.S. Case No. 08 of 2020, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 323, 341, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(g) and 3(2)(va) of the SC/ST Act has been rejected.

About 11 persons are alleged to have assaulted the informant and also demeaned him because of his caste.

Learned counsel for the appellants has



submitted that though there is an accusation of assault against all the accused persons but there is no injury report on record. Proceedings under Section 107 Cr.P.C. and 144 Cr.P.C. are also pending between the parties. The dispute is because of the informant trying to raise a boundary wall on the land belonging to the appellant. The accusation attracting the mischief of SC/ST (Prevention of Atrocities) Act, it has been argued, is only for the purposes of adding seriousness to the offence.

For the facts aforesated, the order dated 26.11.2020 is set aside.

The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur in A.B.P. No. 2105 of 2020 arising out of SC/ST P.S. Case No. 08 of 2020.

(Ashutosh Kumar, J)

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