

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1022 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- NOKHA District-Sasaram

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Manjit Singh, aged about 40 years, Male, son of Surya bali Singh, resident of
Village-Taradh, P.S.-Nokha, District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Senior Advocate with
Mr. Binod Murari Mishra, Advocate
For the State : Ms. Usha Kumari, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis
of motion slip filed by learned counsel for the appellant on
29.06.2021, which was allowed.

3. Heard Mr. Krishna Prasad Singh, learned senior
counsel along with Mr. Binod Murari Mishra, learned counsel
for the appellant and Ms. Usha Kumari, learned Special Public
Prosecutor (hereinafter referred to as the ‘Spl. PP’) for the State.

4. The present appeal is directed against the order
dated 26.11.2020 passed by the learned 1st Additional District
and Sessions Judge, Sasaram, Rohtas in ABP No. 189 of 2020
by which the prayer for anticipatory bail of the appellant has
been rejected.



5. The appellant apprehends arrest in connection with Nokha PS Case No. 152 of 2020 dated 01.08.2020, instituted under Sections 341/353/504/506 of the Indian Penal Code and 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act').

6. The allegation against the appellant is that he had rung up the informant, who is the Block Development Officer, Nokha in the district of Rohtas and had abused him as also the Mukhiya complaining that Corona was spreading in his village and nothing was being done by the Mukhiya. Further, it is alleged that when the informant after half an hour went to Taradh he saw one person breaking the barricade who started abusing upon seeing the informant and also took his caste name and when he was told not to do so, he became belligerent and did not let the informant and his team put back the barricade and they had to return. It has been stated that upon asking he told his name Manjit Singh, that is, the appellant.

7. Learned counsel for the appellant submitted that the present is a totally false and malicious case. It was submitted that the FIR itself shows that the informant had received a call from a particular mobile number, but the appellant has no



concern with the said mobile number. It was submitted that during investigation, from the CDR it is clear that the appellant has no concern with the mobile number from which the informant is said to have received the call. Thus, learned counsel submitted that someone else had used the mobile and the appellant has been falsely implicated. Learned counsel submitted that even otherwise, the allegation is false for the reason that it cannot be believed that the informant along with his team would be stopped in doing their duty by one person as it is not alleged that there was anyone else and also the fact that the appellant would be bold enough to identify himself. It was submitted that no prudent man would believe that if an officer comes with his team and he is alone, he would keep committing any wrong and even if the same is true, it cannot be believed that he would disclose his name and other details to such officer. Learned counsel submitted that the informant with his team not being able to repair the barricading just because of one person also indicates that there is no truth in such allegation. Summing up his arguments, learned counsel submitted that against the informant, villagers have complained to the District Magistrate, Rohtas that though the village Taradh has been declared a Containment Zone by the informant, but no government facility



was available there and further that the appellant is a simple farmer having no other criminal antecedent. Learned counsel submitted that even the allegation under the SC/ST Act is not made out as it is not alleged that the same took place in full view of the public as not even one name of any other person besides the informant has been indicated in the FIR. Thus, it was submitted that no offence against the appellant is made out from the plain reading of the FIR itself as there is nothing to connect any wrong doing to the appellant.

8. Learned Special PP submitted that the appellant has disclosed his name, both on the telephone as well as at the spot where the informant had gone and had found the appellant breaking the barricade and the informant was prevented from repairing the same.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the appellant be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Sasaram, Rohtas in Nokha PS Case No. 152 of 2020, subject to the



conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the appellant, (ii) that the appellant and the bailors shall execute bond and give undertaking with regard to good behaviour of the appellant, and (iii) that the appellant shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the appellant, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the appellant.

11. Accordingly, the appeal stands allowed. The order dated 26.11.2020 passed by the learned 1st Additional District and Sessions Judge, Sasaram, Rohtas in ABP No. 189 of 2020 is set aside.

(Ahsanuddin Amanullah, J)

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