

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1149 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- SC/ST District- Samastipur

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SANJEEV KUNWAR @ SANJEEV KUMAR, Son of Shashi Bhushan
Kunwar Resident of Village - Asinchak, Ward No. 7, P.S. - Dalsinghsarai,
District - Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Apurva Kumar
For the Respondent/s : Mr.SPP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-08-2021 Heard Mr. Hansraj, learned Advocate for the

appellant and Mr. Binay Krishna, learned Special Public

Prosecutor for the State.

The appellant has challenged the order, dated
21.10.2020, passed by the 1st Additional Sessions
Judge, Samastipur, in connection with ABP No. 1927 of
2020, arising out of SC/ST P. S. Case No. 47 of 2020,
whereby the prayer made on behalf of the appellant for
grant of anticipatory bail for the offences punishable
under Sections 341, 323, 447, 354(B), 504, 506 and
34 of the Indian Penal Code and Sections 3 (1) (r) (s)



(w-II) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that the appellant humiliated and assaulted the informant and her father. The children of the informant also were assaulted. At one point of time, an attempt also was made to outrage her modesty. The informant and her husband are also alleged to have been abused by the appellant for demeaning their dignity.

It has been submitted on behalf of the appellant that an absolutely false case has been instituted against him. The fact of the matter is that the appellant had given an accommodation loan to the informant but she did not want to return that amount. For the afore-noted refusal of the informant to return the amount of loan to the appellant, a non-FIR case no. 33 of 2018 was also instituted. A proceeding under Section 107 of the Cr.P.C. is also pending between the



parties.

Earlier also, the informant had filed a case against the appellant but the same was dismissed under Section 204 (4) Cr.P.C.

Lastly, it has been submitted that the occurrence is said to have taken place on 13.07.2019 but the case has been lodged on 01.08.2019 without there being any plausible explanation.

For the reasons afore-stated, it has been urged that no offence under any Section of the Indian Penal Code or under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out against the appellant.

Regard being had to the afore-stated facts, the order dated 21.10.2020, passed by the learned 1st Additional Sessions Judge, Samastipur, is set aside.

The appeal stands allowed.

The appellant, above-named, is directed to be released on bail, in the event of his arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, 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, Samastipur in connection with SC/ST P. S. Case No. 47 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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