

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1293 of 2021**

Arising Out of PS. Case No.-71 Year-2018 Thana- NAVINAGAR District- Aurangabad

MARUTI SINGH Wife of Dr. Amardeep Kumar Singh R/o Mohalla - C-
2/176, First Floor Janakpuri, P.S.- Janakpuri, District - New Delhi.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Mandal, Advocate
For the Respondent/s : Ms. Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 09-07-2021 Heard Mr. Sanjay Mandal, learned counsel for

the appellant and Ms. Usha Kumari-I, learned Spl. PP for

the State.

The appellant has challenged the order dated
18.12.2020 passed by the learned 1st Additional
Sessions Judge, SC/ST, Aurangabad in A.B.P. No. 1175
of 2020 arising out of Nabinagar P.S. Case No. 71 of
2018, whereby the prayer made on behalf of the
appellant for grant of pre-arrest bail for the offences
under Sections 341, 323, 504, 34 and 427 of the Indian
Penal Code and Sections 3(i)(r)(s) of the SC/ST Act has
been rejected.



It has been alleged in the FIR that the accused persons demolished the boundary wall of the semi constructed building belonging to the informant. The informant and his associates have also been demeaned taking their caste name.

Learned counsel for the appellant has submitted that even though he has not been named in the FIR but during the course of investigation, only on suspicion, the name of the petitioner transpired and that is how the appellant is sought to be prosecuted in this case. There is no specific accusation against the appellant and the case appears to have been filed because of dispute over the portion of land over which the informant has got his house constructed.

Considering the nature of accusation and the background facts, it has been urged that none of the offences under the SC/ST (Prevention of Atrocities), Act can at all be said to have been made out.

For the arguments aforementioned, the order dated



18.12.2020 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-Spl Judge, SC/ST, Aurangabad in A.B.P. No. 1175 of 2020 arising out of Nabinagar P.S. Case No. 71 of 2018.

(Ashutosh Kumar, J)

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