

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1258 of 2021**

Arising Out of PS. Case No.-76 Year-2020 Thana- BARGAINIA District- Sitamarhi

SHAMIM AKHTAR @ GUDDU ANSARI Son of Manjur Ansari Resident of
Village - Gudari Bazqar, Bairgania, P.S.- Bairganiai, Distt.- Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Zainul Abedin, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-07-2021 Heard Mr. Zainul Abedin, learned Advocate for
the appellant and Mr. Sadanand Paswan, learned Spl. PP
for the State.

The appellant has challenged the order dated 07.11.2020 passed by the learned Additional District & Sessions Judge 1st -cum-Special Judge, Sitamarhi in A.B.P. No. 1400 of 2020 arising out of Bairgania P.S. Case No. 76 of 2020, whereby the prayer made on behalf of the appellant/s for grant of pre-arrest bail for the offences under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(x) of the SC/ST (Prevention of Atrocities) Act has been rejected.

It is alleged in the FIR that the supporters of the appellant assaulted the husband of the informant for having informed the authorities that the appellant had come from outside.



Learned counsel for the appellant has submitted that the accusation is absolutely false and concocted. In fact, the informant and her husband have been tenants in the house of the appellant and only when huge amount towards monthly rental piled up, that they left the house and have filed this false case in order to prevent the appellant from reminding the informant or husband to pay-up the arrears of the monthly rental.

Regard being had to the nature of accusation and the background facts it appears, as has been argued, that no offence under SC/ST (Prevention of Atrocities), Act can at all be said to have been made out.

For the reasons aforesated, the order dated 07.11.2020 is set aside.

The appeal is allowed.

On the appellant surrendering before the court below within a period of eight weeks, whereupon 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 Additional District & Sessions Judge 1st -cum-Special Judge, Sitamarhi in A.B.P. No. 1400 of 2020 arising out of Bairgania P.S. Case No. 76 of 2020.

(Ashutosh Kumar, J)

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