

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1174 of 2021

Arising Out of PS. Case No.-362 Year-2020 Thana- TARAIYA District- Saran

BINOD SINGH S/o Late Prabhu Singh R/o village- Dih Chhapiya, P.S.-
Taraiya, District- Saran at Chapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Narendra Kumar

For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The appellant has challenged the order dated
06.10.2020 passed by learned 1st Additional Sessions Judge
-cum- Special Judge, SC/ST (POA) Act, Saran at Chapra in ABP
No. 3081/2020 in connection with Taraiya P.S. Case No. 362 of
2020 registered for the offences under sections 341, 323, 506,
34 of the Indian Penal Code and 3(I)(r)(w) of SC/ST
(Prevention of Atrocities) Act whereby the prayer made on
behalf of the appellant for grant of anticipatory bail has been
rejected.



Prosecution allegation, in short, is that due to trivial issue, the accused persons assaulted the informant, abused her by taking her caste name and also misbehaved with her.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. No weapon is said to have been used in course of assault. The fight is said to have taken place due to petty reason. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 06.10.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Saran at Chapra in ABP No. 3081/2020 in connection with Taraiya P.S. Case No. 362 of 2020, is set aside.

The appeal stands allowed.

Let the appellant above named, in the event of arrest/surrender before the learned court below within a



period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Taraiya P.S. Case No. 362 of 2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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