

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.274 of 2020

Arising Out of PS. Case No.-48 Year-2019 Thana- SC/ST District- Samastipur

JAYESH KUMAR SINGH Son of Late Jainendra Prasad Singh @ Namuna Singh Resident of Village - Bibhutipur, Ward No.15, P.S.- Samastipur, Dist.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra
Mr. Dipak Kumar
Dhananjay Kumar Gupta

For the Respondent/s : Mr. Usha Kumari No.1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 16-03-2021 Heard the learned counsel appearing for the appellant and Smt. Usha Kumari No.1, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 21.12.2019 passed by the learned Additional Sessions Judge-1st, Samastipur in Anticipatory Bail Application No. 3104 of 2019 arising out of Samastipur SC & ST P.S. Case No. 48 of 2019 registered under Sections 323, 341, 504 and 506 of the Indian Penal Code and Sections 3(I), (r), (s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The allegation is regarding the appellant having used



caste specific name for the purposes of abusing the informant, who was constructing a wall and then it is alleged that the petitioner had assaulted the informant.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and he is having clean antecedent. It is further submitted that the FIR has been lodged after a delay of about one month and moreover if at all the allegation regarding the petitioner having abused the informant is taken on its face value, then also the ingredients required for constituting an offence under Section 3(1)(r) is not made out inasmuch as the alleged abuse by the appellant was not within the public view, hence no case is made out under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Per contra, Ms. Usha Kumar No. 1, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the materials on record, this Court finds that a superfluous kind of allegation has been levelled against the petitioner and moreover there is a delay of



about one month in lodging the FIR apart from the fact that the appellant is having a clean antecedent, hence I deem it fit and proper to admit the appellant to the privilege of anticipatory bail.

Accordingly, the appellant, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Samastipur in connection with Samastipur SC & ST P.S. Case No. 48 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 21.12.2019 passed by the learned Additional Sessions Judge-1st, Samastipur in Anticipatory Bail Application No. 3104 of 2019 arising out of Samastipur SC & ST P.S. Case No. 48 of 2019, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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