

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1373 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- SC/ST District- Gaya

GAUTAM KUMAR Son of Late Rajendra Prasad Singh Resident of House
No.- 291, A.P. Colony, P.S.- Civil Lines, District - Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rabindra Kumar Priyadarshi
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2021 Heard learned counsel for the appellant and the State
through virtual mode.

Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The matter relates to grant of anticipatory bail to the
appellant in connection with SC/ST (Gaya) P.S. Case No. 40 of
2020 registered for the offences under Sections 323, 420, 406,
504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)/ 3(2)
(v-a) of the SC/ST (Prevention of Atrocities) Amendment Act.

Allegedly, the appellant took Rs. 30,000/- from the
informant in the name of providing a job to his son. It is further
alleged that the appellant started the informant taking his caste
name and also assaulted him with slaps.



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. For the alleged occurrence of 20-06-2017, after a period of three years, the present complaint has been filed in the court below on 16-09-2020 and on the basis of said complaint, the present case has been registered under Sections 156(3) of the Cr. P.C. The reason for delay in filing the complaint has not been given by the complainant. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 02-01-2021 passed by learned Court of learned Executive Special Judge, SC/ST Act, Gaya in SC/ST (Gaya) P.S. Case No. 40 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Considering the aforesaid facts and circumstances of the case and also the lockdown, 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 Executive Special Judge, SC/ST Act, Gaya in connection with SC/ST (Gaya) P.S. Case No. 40 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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