

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1790 of 2021**

Arising Out of PS. Case No.-6 Year-2020 Thana- SC/ST District- Lakhisarai

Gautam Kumar Son Of Rajendra Prasad Singh R/O Village- Garsanda
Kachhiana, Lakhisarai, P.S.- Ramgargh Chowk, Dist.- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prafull Chandra Jha- Advocate

For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-07-2021 Heard Mr. Prafull Chandra Jha, the learned Advocate
for the appellant and Mr. Binay Krishna, the learned Special
Public Prosecutor for the State.

The appellant has challenged the order dated 02.11.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Lakhisarai in connection with Lakhisarai SC/ST P. S. Case No.06 of 2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 325, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellant and others is of assaulting the members of the prosecution party.

The learned Advocate for the appellant has submitted that no such occurrence as has been reported in



the F.I.R. ever took place. The informant has suffered no injury and the accusation attracting the mischief of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has only been levelled in order to add seriousness to the offence.

Regard being had to the afore-stated facts, the order dated 02.11.2020, referred to above, is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Lakhisarai in connection with Lakhisarai SC/ST P. S. Case No.06 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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