

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1741 of 2021**

Arising Out of PS. Case No.-401 Year-2020 Thana- NAWADA District- Nawada

MITHLESH KUMAR Son of Suresh Prasad Resident of Village - Purani  
Mahuli, P.S.- Nawada, District - Nawada.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Birendra Kumar, Advocate  
For the Respondent/s : Ms. Usha Kumari-I, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      12-08-2021                      Heard Mr. Birendra Kumar, learned counsel for  
the appellant and Ms. Usha Kumari-I, learned Spl. PP for  
the State.

The appellant has challenged the order dated 19.01.2021 passed by the learned Additional District and Sessions Judge- 1<sup>st</sup> -cum-Special Judge, SC/ST Act, Nawada in A.B.P. No. 1485 of 2020 arising out of Nawada P.S. Case No. 401 of 2020, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 341, 323, 325, 379, 385, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r) of the SC/ST (Prevention of Atrocities) Act has been rejected.

It is alleged in the FIR that when the informant and his son were coming on their motorcycle, the



accused persons including the appellant were sitting by the roadside and were consuming alcohol. They got enraged unnecessarily and abused the informant and his son. They were assaulted as well. Three persons are said to have been injured in the occurrence.

Hence, this case.

Learned counsel for the appellant has submitted that an absolutely false case has been instituted against him and others. In fact, the son of the informant was driving his motorcycle in a negligent manner and he hit a calf. This led to dispute between both the sides and persons from both sides assaulted each other. There was no intention, it has been urged on behalf of the appellant, to demean anyone of the prosecution party. Three persons were injured in the occurrence who are stated to have received simple injuries.

In view of the aforesaid background facts, Mr. Birendra Kumar, learned Advocate for the appellant suggests that the offence under SC/ST (Prevention of Atrocities) Act cannot be said to have been made out.

For the reasons aforesaid, the order dated 19.01.2021 is set aside.

The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, 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 and Sessions Judge- 1<sup>st</sup> -cum-Special Judge, SC/ST Act, Nawada in A.B.P. No. 1485 of 2020 arising out of Nawada P.S. Case No. 401 of 2020.

**(Ashutosh Kumar, J)**

krishna/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

