

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1758 of 2021

Arising Out of PS. Case No.-408 Year-2020 Thana- AKBARPUR District- Nawada

=====

Kunal Singh @ Kunal Kumar, Son of Onkar Singh @ Omkar Singh, R/o
Village- Barev Dudhaili, P.S.- Akbarpur, Distt.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 09-07-2021 Heard Mr. Ajay Kumar Thakur, 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

08.02.2021 passed by the learned Special Judge, SC/ST

(POA) Act-Cum-Additional District and Sessions Judge-I,

Nawada in connection with Special Case No. 167 of

2020 arising out of Akbarpur P.S. Case No. 408 of



2020, instituted for the offences under Sections 302 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that the father of the informant was assaulted by the appellant and others for not having worked in the brick-kiln even after accepting money for the same. The father of the informant was also accused of not returning the money.

It has been submitted on behalf of the appellant that the accusation against him and others is absolutely false. It has further been submitted that according to the own showing of the informant, his father was admitted in Ishwar Dayal Memorial Hospital, Patna.

The learned counsel for the appellant has brought on record some documents to demonstrate that the father (deceased) of the informant was admitted in the hospital on account of trauma in his stomach as he



was hit by a cow.

It has further been submitted that the occurrence is said to have taken place on 11.07.2020 and the father of informant was admitted in the hospital on 14.07.2020 and he died on 26.07.2020. The subject F.I.R. has been lodged thereafter. It has, therefore, argued that assuming that the appellant and others had assaulted the deceased on 11.07.2020, there was no reason for the informant to have waited for the death of his father for lodging this case. Thus, it appears that the subject F.I.R. is only an afterthought and has been brought into existence because of a conspiracy after confabulation. It has also been submitted that the accusation under the provisions of SC/ST (Prevention of Atrocities) Act also appears to be distorted and such accusation has been hurled only for ulterior purposes.

Regard being had to the aforesaid submissions, the order dated 08.02.2021, referred to above, is set-aside.

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 Special Judge, SC/ST (POA) Act-Cum-Additional District and Sessions Judge-I, Nawada in connection with Special Case No. 167 of 2020 arising out of Akbarpur P.S. Case No. 408 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

