

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.820 of 2020**

Arising Out of PS. Case No.-146 Year-2019 Thana- HISUWA District- Nawada

Chinta Singh @ Mahesh Kumar (Male), aged about 76 years, Son of Late Ramrup Singh, Resident of Village Sri Rampur, P.S. Hisua, District Nawada.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nivedita Nirvikar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 09-03-2021 Heard both sides.

The appellant filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 23.01.2020, passed in ABP No.56 of 2020, by which the learned Special Judge, SC/ST, Nawada rejected the prayer for anticipatory bail of the appellant in Hisua P.S. Case No.146 of 2019, registered under Sections 341, 323, 504, 506, 379 and 34 of the Indian Penal Code and under Sections 3(i)(r)(s) of the SC/ST Act.

The informant, in sum and substance, alleged that on 19.04.2019, his wife was working in the field. Chinta Singh, the appellant, and Tuni Singh came and asked for rendition of accounts of irrigation. The informant alleged that Rs.1300/- was paid but the appellant and Tuni Singh began to abuse. The appellant is said to have assaulted the informant with stick on his



head. Tuni Singh also assaulted his wife and snatched her ornament.

Learned counsel for the appellant submits that there is a counter case being Hisua P.S. Case No.145 of 2019. There was some verbal altercation on account of payment of irrigation charge. The informant of the present case threw stone causing injury on the hand of the appellant, who is an old man, aged about 70 years. It is further submitted that no injury is caused on the person of the informant and his wife. Even the Additional Sessions Judge has not recorded any finding with regard to injuries found on the person of the informant and his wife.

The learned Special P.P. however, opposed the prayer for anticipatory bail of the appellant and submits that different offence under the SC/ST Act is made out, therefore, anticipatory bail petition is not maintainable.

Having considered the facts and on perusal of the records, it appears that while the informant and his wife were working in the field, the appellant and Tuni Singh came there and there was some dispute with regard to payment of irrigation charge. On such, both sides alleged that they were assaulted. It is submitted on behalf of the appellant that the informant and his wife did not receive any injury.

Taking into consideration the facts aforesaid and the fact



that as per the submission made by the appellant, the informant did not receive any injury, the appellant, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST) Act-cum-Additional District & Sessions Judge 1st, Nawada in connection with Hisua P.S. Case No.146 of 2019, giving rise to Special Case No.90 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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