

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2378 of 2021**

Arising Out of PS. Case No.-16 Year-2021 Thana- JAMHOR District- Aurangabad

BIMLESH SINGH @ BIMLESH KUMAR SINGH Son of Late Sahdev
Singh Resident of Village - Rampur, P.S.- Jamhor, District - Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 24-06-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 2016 against the refusal of prayer for bail vide order dated 26.02.2021 passed in B.P. No.171/2021 by the learned Additional District and Sessions Judge-VII, cum Special Judge, SC/ST, Aurangabad in connection with Jamhor P.S. Case No.16 of 2021 registered under sections 341, 323, 504, 379, 385/34 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

The prosecution case in short is that while the informant, who is a J.C.B. driver was working on a bridge, the appellant came there and started fighting with the informant and munsif Vijay Singh and on the point of pistol he starting abusing by



caste related words and assaulted them. He snatched Rs.25,000/- from the informant and Rs.10,000/- from the munsii.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has not committed any offence. He has been falsely implicated in the present case due to previous enmity. No such occurrence has taken place and the allegations are concocted. The accusation does not constitute any offence under SC/ST Act inasmuch as there is no allegation that the alleged occurrence has taken place in public or the appellant has used any caste specific name. The occurrence took place on 02.02.2021 but F.I.R. has been lodged on 05.02.2021, after delay of three days without explaining the reasons for delay in lodging the F.I.R. while there is hardly 50 meter distance of the police station from the place of occurrence. There is no recovery from the conscious physical possession of the appellant. No injury has been found on the body of informant and his Munsii. The appellant has been languishing in custody since 07.02.2021 and has three criminal antecedent.

Learned Spl. PP for the State vehemently opposed the prayer for bail by submitting that the allegations are serious in nature and does not deserve the privilege of bail.

Considering the aforesaid facts coupled with the delay in



lodging the F.I.R., the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-VII, cum Special Judge, SC/ST, Aurangabad in connection with Jamhor P.S. Case No.16 of 2021.

Impugned order dated 26.02.2021 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

pallavi/-

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

