

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2695 of 2021**

Arising Out of PS. Case No.-464 Year-2020 Thana- GAURICHAK District- Patna

Bindeshwar Singh @ Bineshwar Singh Son Of Late Nandu Singh R/O
Village- Chakbihari, Mansinghpur, P.O.- Nandlalabagh, P.S.- Gaurichak,
Patna, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saurabh Bishwambhar

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 16-09-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The appellant has challenged the order dated
12.08.2020 passed by learned Additional District Judge-III-
cum- Special Judge, S.C. and S.T. Act, Patna in ABP No. 741 of
2021 in connection with Gaurichak P.S. Case No. 464/2020
registered for the offences under sections 147, 148, 341, 323,
504, 324 and 354 of the Indian Penal Code and 3(i)(r)(s) and
3(2)(ra) of SC/St Act whereby the prayer made on behalf of the
appellant for grant of anticipatory bail has been rejected.



Prosecution allegation, in short, is that while the informant along with her son was on the way, the accused persons started assaulting them and also abused them taking their caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. General and omnibus allegation has been made against the appellant. No specific overt act is alleged against the appellant. No grievous injury is said to have been caused in course of occurrence. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 12.08.2020 passed by learned Additional District Judge-III-cum- Special Judge, S.C. and S.T. Act, Patna in ABP No. 741 of 2021 in connection with Gaurichak P.S. Case No. 464/2020, is set aside.

The appeal stands allowed.



Let the appellant above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional District Judge-III-cum- Special Judge, S.C. and S.T. Act, Patna in connection with Gaurichak P.S. Case No. 464/2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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