

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2814 of 2021

Arising Out of PS. Case No.-44 Year-2019 Thana- SC/ST District- Purnia

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ASHOK SINGH S/O Sugandhi Singh R/O Maul Babu Hata, Near Usha
Motors Madhubani P.S. K. Hata, Distt. - Purnia.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Kant, Advocate

For the Respondent/s : Ms. Usha Kumari – 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-07-2021 Heard Mr. Chandrakant, learned Advocate for
the appellant and Ms. Usha Kumari, learned Spl. PP for
the State.

The appellant has challenged the order dated
05.04.2021 passed by the learned Additional Sessions
Judge, 1st cum Special Court SC/ST Act, Purnia in A.B.P.
No. 42 of 2021 arising out of SC/ST P.S. Case No. 44
of 2019, whereby the prayer made on behalf of the
appellant for grant of pre-arrest bail for the offences
under Sections 341, 323, 504 and 34 of the Indian
Penal Code and Sections 3(1)(r)(s) of the SC/ST
(Prevention of Atrocities) Act, 1989 has been rejected.

The accusation in the FIR is that when the
informant demanded monetary aid from the
management of the college in which he claims to be



working, he was abused, assaulted and was thrown out of the college premises. The informant claims to have been appointed on the post of a Peon in a grant-in-aid Institution. The employees in such an Institution are more often than not paid only when grants are given by the Government. For sometime, the informant was paid his salary but later the payment was stopped. When the informant learnt that 50% of the aid had been received by the college, he approached the management of the college but was insulted because of his descent.

Learned Advocate for the appellant has submitted that an absolutely false case has been lodged by the informant after 2½ months of the occurrence.

The appellant is the Secretary of the College and the informant had developed enmity with him because he never allowed the informant to join in the college as Peon. There are ten sanctioned posts of Peons in the said college and against such posts, other persons are working. According to the learned Advocate for the appellant, the informant is an imposter and is trying his best to anyhow take entry in the college as a Peon. When this attempt of the informant failed, he has chosen to file this case with false allegations.

The accusation under the SC/ST (Prevention of Atrocities) Act, therefore appear to have been added in



the FIR for ulterior purposes.

Considering the aforesaid reasons, the order dated 05.04.2021 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 Sessions Judge, 1st cum Special Court SC/ST Act, Purnia in A.B.P. No. 42 of 2021 arising out of SC/ST P.S. Case No. 44 of 2019.

(Ashutosh Kumar, J)

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