

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1707 of 2020**

Arising Out of PS. Case No.-175 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Gulab Ali @ Akbar Ali, aged about 60 years, Male, S/o Late Khokhu Mian,
Resident of Village-Rampur, P.S.-Warisnagar, District-Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Asharfi Ram, aged about 32 years, Male, S/o Anandlal Ram, Resident of Village-Rampur, P.S.-Warisnagar, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey, Advocate
For the State : Mr.Binay Krishna, A.P.P.

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

3 18-01-2021 Heard learned counsel for the appellant and learned
A.P.P. for the State.

The appeal is against the order dated 03.02.2020 passed by Sri Sujeet Kumar Srivastava, learned Additional Sessions Judge 1st-cum-Special Judge, Samastipur in A.B.P. No.246 of 2020, whereby the Anticipatory Bail Petition of the appellant in connection with C.R. No.175 of 2018, Tr. No.1063 of 2020 for the offences punishable under Sections 341, 323, 504 of the Indian Penal Code and Sections 3 (i)(r)(s) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case inter-alia is that the informant namely Asharfi Ram filed a petition in the court of learned



Special Judge, (SC/ST) Samastipur which was sent to Warisnagar Police Station for lodging FIR and was registered an FIR bearing Warisnagar P.S. Case No.112 of 2017 under Sections 341, 323, 504 of the Indian Penal Code and Sections 3(i)(r)(h) of SC/ST Act but after investigation, the police submitted the final form and the case proceeded on protest cum complaint. The allegation contained in the complaint precisely is that the complainant worked in the field of appellant from January, 2013 to January, 2014, where wages were fixed as Rs.200/- per day. When wage was demanded by the complainant, the appellant said him to work and he would pay the wages altogether but did not pay wages for one year. On 14.03.2017, complainant asked for wages of one year which was Rs.4200/- appellant asked him to come on 17.03.2017 and thereafter, again on 20.03.2017. On 20.03.2017, when the complainant reached and asked for wages, appellant started abusing the complainant by taking his caste name and threatened by saying how he dare to come at his door and refused to pay wages and beat him by slaps and fist.

Learned counsel for the appellant submits that after enquiry, the police has submitted the final form against the appellant but on the protest, the court below has taken the cognizance against the appellant. He further submits that the



appellant has got no any criminal antecedent mentioned in paragraph-3 of the appeal petition.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of Sri Sujeet Kumar Srivastava, learned Additional Sessions Judge 1st-cum-Special Judge, Samastipur in connection with C.R. No.175 of 2018, Tr. No.1063 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 03.02.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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