

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2978 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- SC/ST District- Samastipur

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ANKIT KUMAR S/o Late Rambinod Ray, Resident of Village - Baluaha, P.S.
- Kalyanpur, District - Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mahendra Pratap, Adv.

For the Respondent/s : Mrs.Usha Kumari, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-09-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual Court proceedings.

This is an appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989 against the refusal of prayer for bail vide order dated 15.06.2021 passed by the learned Special Judge (S.C./S.T. Act), Samastipur, in connection with SC/ST P.S. Case No. 68/2020 registered under Sections 323/324/341/379/307/504/34 of the Indian Penal Code and Sections 3 (i)(r)(s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant in association of other accused persons is said to have assaulted the informant and his father by means iron rod.



It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case. He further submits that as a matter of fact both informant and appellant are from the same village and almost of the same age and they had a hot argument in the playground which later on turned in to a scuffle in which both parties got injured. As per FIR, the alleged act has not been in public view, hence no offence under SC/ST Act is made out against the appellant. The occurrence took place on 15.10.2020 but the FIR was lodged on 21.10.2020. There is inordinate delay of five days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has been languishing in custody since 25.04.2021 and has no criminal antecedent which is mentioned in para 3 of the bail application.

Learned Special P.P. for the State opposed the prayer for bail.

Considering the aforesaid facts, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge SC/ST Act, Samastipur in connection with SC/ST
P.S. Case No. 68/2020.

Accordingly, the impugned order is set aside and
this appeal is allowed.

(Anjani Kumar Sharan, J)

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