

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3319 of 2021**

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

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MOHAN SINGH @ MOHAN KUMAR S/O KARO SINGH R/o village-
Usfa, P.S.- Faurichak, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha- Advocate
For the Respondent/s : Ms. Usha Kumari 1- S.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 07-09-2021 Heard Mr. Ashok Kumar Jha, the learned Advocate

for the appellant and Ms. Usha Kumari-1, the learned Special

Public Prosecutor for the State.

The appellant has challenged the order dated
05.02.2021 passed by the learned Additional Sessions Judge
3rd -cum-Special Judge SC/ST Act, Patna in connection with
Gaurichak P. S. Case No.464 of 2020, instituted for the
offences under Sections 147, 148, 341, 323, 504, 324, 354
of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of
the Scheduled Castes & Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby their prayer for grant of
anticipatory bail has been rejected.

The accusation in the F.I.R. is that the appellant
and two others arrived on a car and took away the sickle



from the hand of the informant. She was assaulted on her cheek resulting in injury to her.

The learned Advocate for the appellant has submitted that an absolutely false case has been lodged against him. In fact, the son of the appellant had scolded the informant for having attempted to cut *masoor* crops in the field of the appellant. This led to a verbal scuffle between the parties and the present case has been lodged.

There is no injury report on record.

Precisely for this reason, despite there being an accusation of assault on the informant by means of a sickle, no offence under Section 307 of the I.P.C. has been registered. The accusation with respect to the SC/ST (P.O.A.) Act and Section 354 of the I.P.C. is only for the purposes of giving a serious colour to the case.

Regard being had to the afore-stated facts, the order dated 05.02.2021 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd -cum- Special Judge SC/ST Act, Patna in connection with Gaurichak P. S. Case No.464 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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