

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3040 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- BAHADURPUR District- Darbhanga

MANISH SINGH S/O Late Rabindra Singh R/O Village - Ojhaul, P.S. -
Bahadurpur, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiva Shankar Sharma, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-08-2021 Heard Mr. Shiva Shankar Sharma, learned Advocate for the appellants and Ms. Usha Kumari-I, learned Spl. PP for the State.

The appellant has challenged the order dated 15.06.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (POA) Act, Darbhanga in A.B.P. No. 688 of 2021 arising out of Bahadurpur P.S. Case No. 30 of 2021, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 148, 149, 323, 341, 324 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)/3(i)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

It is alleged in the FIR that co-accused Anil



Singh, in an inebriated state, demanded a ransom of Rs. 5 lakhs. When this was objected, many persons including the appellant assaulted the informant and his associates.

Learned counsel for the appellant has submitted that an absolutely vague accusation has been levelled in the FIR with respect to the manner of occurrence or about the persons who had been assaulted. The accusation is absolutely vague so far as the appellant is concerned, who is not said to have specifically done anything.

The reason for false implication is the dispute between the two community. The mother of co-accused Anil Singh had earlier filed a case against the informant and nine others for setting fire to the house of aforesaid Anil Singh. The falsity of the allegation further appears from the fact that one of the associates of the informant has also filed a case against Anil Singh and some others for an occurrence which took place on the same day *vide* Bahadurpur P.S. Case No. 39 of 2021.

Nobody appears to have been injured in the occurrence and the accusation of demand of ransom also appears to be a concocted charge. What was the purpose of demanding ransom has also not been stated in the FIR. The appellant is a degree holder of BCA and is making preparations for getting a commensurate job



for his livelihood.

For the aforesaid reasons, it has been urged that the offence under SC/ST (Prevention of Atrocities) Act cannot at all be said to have been made out against the appellant.

For the arguments aforementioned, the order dated 15.06.2021 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 1st Additional Sessions Judge-cum-Special Judge (POA) Act, Darbhanaga in A.B.P. No. 688 of 2021 arising out of Bahadurpur P.S. Case No. 30 of 2021.

(Ashutosh Kumar, J)

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