

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2121 of 2020

Arising Out of PS. Case No.-72 Year-2019 Thana- ADAPUR District- East Champaran

Abhishek Kumar Govinda, aged about 35 years, male, Son of Late Brajesh Kumar Verma, Resident of Mohalla - Chandmari, P.S. - Motihari Town, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Rashmi Jha, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-01-2021 Heard Ms. Rashmi Jha, learned Advocate for the appellant and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

This appeal is directed against the order dated 07.09.2020 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Adapur P.S. Case No. 72 of 2019, dated 26.03.2019, registered for the offences under



Sections 341, 323, 406 and 504/34 of the Indian Penal Code and Sections 3(i)(r) (s) and 2(vi)(a) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of bail of the appellant has been rejected.

From the perusal of the First Information Report, it appears that the commodities to be used in *Nal-Jal Yojna* had to be supplied by co-accused persons and the procurement had to be made from Ms. Suman Enterprises of which, the appellant is the proprietor.

It has been urged on behalf of the appellant that assuming but not admitting the accusation in the F.I.R. to be true, no offence under any one of the offence of the I.P.C. or of the Special Act can at all be said to have been made out against the appellant. It has further been urged that the appellant had supplied the materials to the agents who were contacted by the informant and if there was no supply of the commodities, he could not be blamed for the same.

The appellant is stated to be in custody since 29.08.2020.



Regard being had to the facts afore-stated, the order dated 07.09.2020, referred to above, is set-aside.

The appellant, above-named, is directed to be released on bail on his furnishing bail bond in sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Adapur P.S. Case No. 72 of 2019.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

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