

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3369 of 2021**

Arising Out of PS. Case No.-123 Year-2021 Thana- SAHPUR District- Patna

CHINTU KUMAR Son of Late Sita Ram Rai Resident of Village - Nurpur
Chandmari, P.s.- Shahpur, Dist.- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manoranjan Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Ashutosh Kumar singh, Adv.

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

4 16-12-2021 Heard the parties.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 20.07.2021, passed by learned Additional District Judge-III-cum- Special Judge (SC/ST) Act, Patna in connection with Special Case No.106 of 2021 arising out of Shahpur P.S. Case No.123 of 2021, registered under sections 341, 323, 307, 504, 34 of the IPC and section 3(i)(r)(s) of SC and ST Act.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with wrong allegations.



There is an inordinate delay of three days in lodging the FIR without any explanation, which creates doubt about the prosecution case. There parties are co-villagers and there is case and counter-case between the parties. No incriminating article has been recovered from the conscious physical possession of the appellant. There is no injury report on the record. The allegation against the appellant is general and omnibus in nature. The police has filed charge sheet against the appellant. No case under the SC/ST Act is made out against the appellant as the accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The appellant is languishing in custody since 12.06.2021 having no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-III-cum- Special Judge (SC/ST) Act, Patna in connection with Special Case No.106 of



2021 arising out of Shahpur P.S. Case No.123 of 2021.

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

(Anjani Kumar Sharan, J)

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