

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3503 of 2021**

Arising Out of PS. Case No.-355 Year-2021 Thana- GARKHA District- Saran

=====

Nitish Kumar, male, aged about 19 years, S/o Pappu Singh, R/o Village-  
Chintaman Ganj, P.S.-Garkha, District-Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Nawal Kishore Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, APP

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

ORAL ORDER

2      16-09-2021                      Heard Mr. Nawal Kishore Singh, the learned  
  
Advocate for the appellant and Mr. Binay Krishna, the  
  
learned Special Public Prosecutor for the State.

The appellant has challenged the order dated  
08.07.2021 passed by the learned 1<sup>st</sup> Addl. Sessions  
Judge-Cum-Special Judge, SC/ST (POA) Act, Saran at  
Chapra in connection with Garkha P.S. Case No. 355 of  
2021, instituted for the offences under Sections 341,



323, 324, 379 and 504/34 of the Indian Penal Code and Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that while the informant was going somewhere on a vehicle, he was stopped by the appellant, who abused and assaulted him by means of a knife. The occurrence took place between them because the informant has filed a case in the name of his wife against the appellant.

It has been submitted on behalf of the appellant that there is no injury report on record and there is a dispute between the parties over a *gair majarua* land for which the mother of the appellant had earlier filed a case against the informant of the subject F.I.R. *vide* Complaint Case No. 1286 of 2021 and that perhaps is the reason for falsely implicating the appellant in the present case.

Apart from this, it has been submitted that from the bare reading of the F.I.R., it would appear that



the accusation involving the mischief of S.C./S.T. (Prevention of Atrocities) Act, is highly motivated and over exaggerated. It has further been submitted that the informant has filed similar nature of cases against the co-villagers as well and all such cases arise out of some dispute relating to *gair majarua* lands.

On the afore-noted grounds, it has been urged on behalf of the appellant that no offence under the S.C./S.T. (Prevention of Atrocities) Act, can at all be said to have been made out against the appellants.

Regard being had to the aforesaid submissions, the order dated 08.07.2021, referred to above, is set-aside.

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 1<sup>st</sup> Addl. Sessions Judge-Cum-Special Judge, SC/ST (POA)



Act, Saran at Chapra in connection with Garkha P.S.  
Case No. 355 of 2021, subject to the conditions laid  
down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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