

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.368 of 2021**

Arising Out of PS. Case No.-160 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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SHIV SUNDAR RAY Son of Ram Pukar Ray Resident of Village -
Mohanpur, P.S.- Patori (O.P. Mohanpur), Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjiv Kumar Ram Son of Vinod Ram Resident of Village - Mohanpur, P.S.-
Patori (O.P. Mohanpur), Distt.- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sarbottam Kumar Sarkar

For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The matter relates to grant of anticipatory bail to the
appellant in connection with a case registered for the offences
under Sections 323, 341, 389, 420, 504, 506 of the Indian Penal
Code and Section 3(x) of the SC/ST (Prevention of Atrocities)
Act, 1989.

The prosecution case, in short, is that on the order of
the appellant, the accused persons assaulted the complainant by



means of fists and slaps and and appellant also abused him by taking his caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. There is admitted property dispute between the parties. No specific overt act is alleged against the appellant. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the complaint case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 09.09.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur vide A.B.P. No.1426 of 2020 in connection with Complaint case No.160 of 2019 (T.R. No.1137 of 2020), is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail



on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur in connection with Complaint case No.160 of 2019 (T.R. No.1137 of 2020).

(Sudhir Singh, J)

Narendra/-

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